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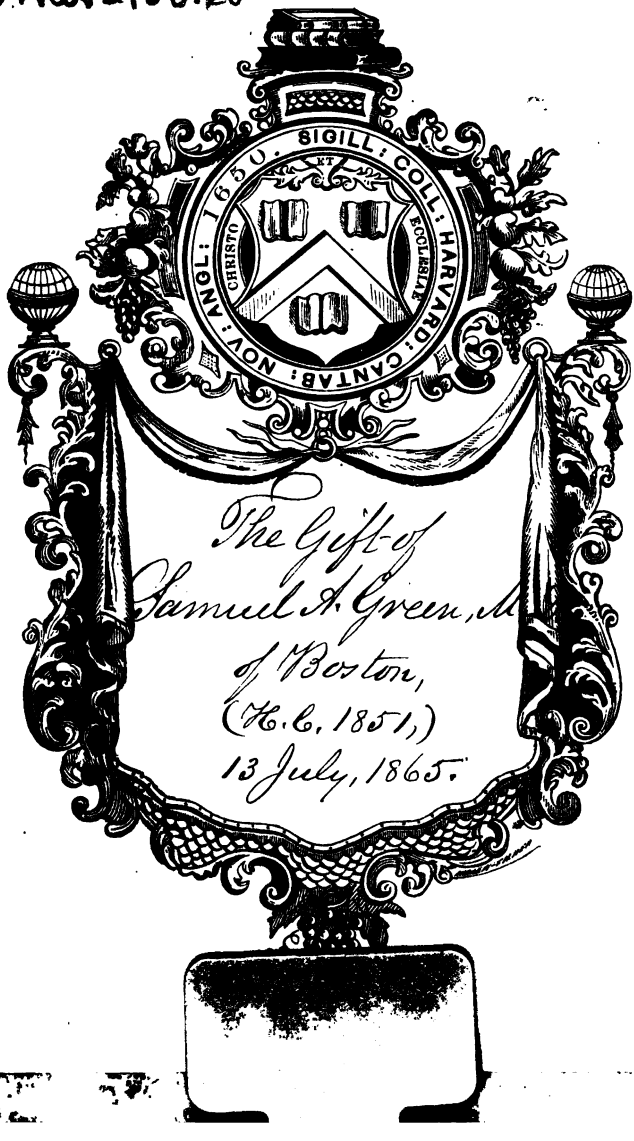

The Gift of
Samuel A. Green, M.D.
of Boston,
(H. C. 1851,)
13 July, 1865.

MILITARY LAWS:

CONTAINING:

EXTRACTS FROM THE FEDERAL AND STATE CONSTITUTIONS,	MILITIA LAWS OF THE UNITED STATES,
SYNOPSIS OF THE ORGANIZATION OF THE MILITIA,	ARTICLES OF WAR,
MILITIA LAWS OF VIRGINIA,	ARMY REGULATIONS,
	DESCRIPTION OF UNIFORM,
	FORMS, &c.

ADJUTANT GENERAL'S OFFICE,

Richmond, Virginia, June, 1820.

BY ORDER OF THE EXECUTIVE,

C. W. GOOCH, Adjutant General.

RICHMOND:

PRINTED BY SHEPHERD & POLLARD.

1820.

War 2958.20

1865, July 13.
Gift of
Sam. A. Green, M.D.
of Boston.
(Class of 1851.)

EXTRACTS

FROM THE

CONSTITUTION OF THE UNITED STATES.

ARTICLE I.

Section 8.

The Congress shall have power—

To provide for calling forth the Militia to execute the laws of the Union, suppress insurrections, and repel invasions: To provide for calling forth the militia.

To provide for organizing, arming, and disciplining the Militia, and for governing such part of them as may be employed in the service of the United States; reserving to the states respectively, the appointment of the officers, and the authority of training the Militia according to the discipline prescribed by Congress. To provide for organizing the militia, &c.

AMENDMENTS.

ARTICLE 2.

A well regulated Militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed. Right of the people to keep and bear arms, &c.

ARTICLE 3.

No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner to be prescribed by law. No soldier to be quartered in any house during peace without consent, &c.

CONSTITUTION OF VIRGINIA.

Section 13.

Military regulations.

The present Militia Officers shall be continued, and vacancies supplied by appointment of the Governor, with the advice of the Privy Council, or recommendations from the respective county courts; but the Governor and Council shall have a power of suspending any officer, and ordering a court-martial on complaint of misbehaviour or inability, or to supply vacancies of officers happening when in actual service. The Governor may embody the Militia, with the advice of the Privy Council, and when embodied, shall alone have the direction of the Militia under the laws of the country.

94th	Regiment—	Lee,
95	"	Norfolk county,
96	"	Brunswick,
97	"	Shenandoah,
98	"	Mecklenburg,
99	"	Accomack,
100	"	Buckingham,
101	"	Pittsylvania,
102	"	Powhatan,
103	"	Brooke,
104	"	Preston,
105	"	Washington,
106	"	Mason,
107	"	Randolph,
108	"	Monroe,
109	"	Middlesex,
110	"	Franklin,
111	"	Westmoreland,
112th	Regiment—	Tazewell,
113	"	Wood,
114	"	Hampshire,
115	"	Elizabeth City, Warwick, and part of York,
116	"	Rockingham,
117	"	Campbell,
118	"	Monongalia,
119	"	Harrison,
120	"	Cabell,
121	"	Botetourt,
122	"	Frederick,
123	"	Tyler,
124	"	Scott,
125	"	Lewis,
126	"	Nicholas.

AN ACT,

*To reduce into one, all acts and parts of acts, for regulating the Militia of this Commonwealth.**

[Passed March 9, 1819.]

Preamble. WHEREAS a well regulated Militia constitutes the great defence of a free people, and it is expedient to carry into effect the laws of the Congress of the United States, providing for the national defence by establishing an uniform Militia throughout the United States:

Brigades and Divisions. 1. *Be it therefore enacted*, That the counties of *Accomack* and *Northampton*, shall compose one Brigade; the counties of *Princess Anne*, *Norfolk*, and the Borough of *Norfolk*, shall compose one Brigade; the counties of *Nansemond*, *Isle of Wight*, *Southampton*, *Surry*, *Sussex* and *Prince George*, one Brigade; the counties of *Elizabeth City*, *Warwick*, *York*, *James City*, *Charles City*, *New Kent*, *Hanover*, *Henrico*, and the Cities of *Richmond*, and *Williamsburg*, one Brigade; the counties of *Gloucester*, *Mathews*, *Middlesex*, *Essex*, *King William*, *King & Queen*, *Lancaster*, *Northumberland*, *Richmond*, and *Westmoreland*, one Brigade; and the said Brigades shall compose one Division: That

* For the general militia law passed at the revisal of 1792, see edi. 1794, '03 and '14, c. 146, amended by acts of 1793, c. 1, 2, same edi. c. 152, 153, by acts of 1795, c. 1, 1797, c. 5, 1798, c. 1, 1799, c. 49, edi. '03, and '14, c. 182, 201, 241, 263, and by act of 1800, c. 24. In the session of 1803, a general law was passed, to amend and reduce into one the several laws concerning the militia; see acts of 1803, c. 1, edi. 1808, c. 36. Of this act, numerous amendments were soon after and ever since continually made; see acts of 1804, c. 4, 1805, c. 4, 1806, c. 6, 30, 1807, c. 7, edi. 1808, c. 53, 84, 110, 112, 131; 1808, c. 25; 1811, c. 6, 27; edi. 1812, c. 25, 86, 107; 1812, c. 24, May, 1813, c. 2, December, 1813, c. 4, 1814, c. 5, 24; 1815, c. 14, 16, 47; 1816, c. 19; 1817, c. 13. The present act is almost entirely a compilation of the act of 1803, c. 1, and the subsequent acts above referred to. References from the particlar provisions of this act, to the original acts from which they are taken, would probably answer no useful end, and are therefore omitted.

the counties of *Loudoun* and *Fairfax* shall compose one Brigade; the counties of *Fauquier, Prince William, Stafford* and *King George,* one Brigade; the counties of *Culpeper, Madison, Orange, Spottsylvania,* and *Caroline,* one Brigade; the counties of *Louisa, Goochland, Fluvanna, Albemarle, Nelson* and *Amherst,* one Brigade; and the said Brigades shall compose one other Division: The counties of *Frederick, Berkely* and *Jefferson* shall compose one Brigade; the counties of *Augusta, Rockingham* and *Shenandoah,* one Brigade; the counties of *Wythe, Montgomery, Giles* and *Monroe,* one Brigade; the counties of *Washington, Russell, Lee, Scott, Grayson,* and *Tazewell,* one Brigade; the counties of *Rockbridge, Botetourt, Greenbrier, Bath, Kanawha, Cabell, Nicholas,* and *Mason,* one Brigade; the counties of *Hampshire, Hardy,* and *Pendleton,* one Brigade; the counties of *Monongalia, Preston, Ohio,* and *Brooke,* one Brigade; the counties of *Harrison, Tyler, Lewis, Randolph,* and *Wood,* one Brigade; and the said Brigades shall compose another Division: The counties of *Henry, Patrick, Franklin, Campbell* and *Bedford,* shall compose one Brigade; the counties of *Pittsylvania, Halifax, Charlotte,* and *Prince Edward,* one Brigade; the counties of *Dinwiddie, Greensville, Brunswick, Lunenburg,* and *Mecklenburg,* one Brigade; the counties of *Chesterfield, Amelia, Nottoway, Powhatan, Cumberland,* and *Buckingham,* one Brigade; and the said Brigades shall compose another Division.

Battalions & Regiments.

2. The several counties and corporations within this Commonwealth, shall constitute the Battalions, portions of Battalions, Regiments, or portions of Regiments, as now established: *Provided,*

Proviso. Executive may alter Regimental Districts.

That it shall be lawful for the Executive to divide or alter the regimental districts in the several counties, as circumstances may require; and it

Annual report concerning Regiments, by adjutant general.

shall be the duty of the Adjutant General annually to report to the Executive, such Regiments, as, in the two last returns, have been less in strength

When regi-

than three hundred rank and file, and such Regi-

ments may be consolidated with some adjoining one, or such an alteration made in the bounds of the neighboring Regiments, as to make its strength at least three hundred rank and file.

ments may be consolidated.

3. And every Battalion shall, if convenient, be formed into five companies; each company to consist of not less than sixty men, including non-commissioned officers, musicians and privates, nor more than one hundred and eight, officers included; and wherever any company district shall contain more than one hundred and eight militia men, officers included, a new company district shall be created, or such an arrangement of the bounds of the adjoining company district, at the discretion of the Board of Officers or Regimental Court of Enquiry, be made, as shall reduce their strength to some number within that limited by law; and in the event of the creation of a new company district, it shall constitute an additional company to the Battalion of which it is a part; and whenever any company of Militia shall be reduced to less than sixty, rank and file, such company shall be either apportioned amongst the other companies of the said Battalion, or such an alteration shall be made in the bounds of the other companies, at the discretion of a Board of Officers or the Regimental Court of Enquiry, as shall increase its strength to more than sixty rank and file. And if such company consist of Artillery, Grenadiers, Light Infantry, Riflemen, or Cavalry, and the number be not increased to sixty, in six months from the passage of this act, and thereafter kept up, so that they be not at any time, for six months together, less than the number aforesaid, the said company shall, on the order of the commanding officer of the Regiment, be enrolled in the body of the Militia.

Companies.

Number of men.

How companies, when too numerous, may be reduced, or new companies formed.

Companies too small, to be apportioned among others, or enlarged; and how.

When artillery, grenadiers light infantry, riflemen, or cavalry, may be enrolled in body of militia.

4. There shall be an Adjutant General for the Militia of the State, a Major General to each Division, and a Brigadier General to each Brigade, to be appointed by joint ballot of both Houses of the General Assembly, who shall reside within the lim-

Adjutant general, major generals, and brigadier generals, how to be appointed.

Where to reside.

Other field officers, captains, lieutenants and ensigns.

its of their respective commands; and there shall be a Colonel, Lieutenant-Colonel and Major to each Regiment, and a Captain, Lieutenant and Ensign to each company, who shall be appointed and commissioned agreeably to the constitution and laws of this Commonwealth; and whenever a vacancy shall exist, during the recess of the Legislature, in the office of Adjutant General, it shall be lawful for the Governor of this Commonwealth with the advice of Council, to fill such vacancy, and to issue a commission therefor, which shall expire at the end of the next session of the Legislature, or at such time previous thereto, as an appointment to the office shall be made by the General Assembly.

Vacancy in office of adjutant general, in recess of legislature how to be filled.

Generals to appoint their own staff.

Major general's staff.

Division inspector, aids-de-camp, and quarter-master.

Their rank, pay, &c.

Brigadier's staff; Brigade inspector, aid-de-camp, and quarter master.

Their rank, pay, &c.

5. The Major Generals and Brigadier Generals of the Militia shall each appoint their own staff.—The staff of a Major General shall consist of one Division Inspector, with the brevet rank, pay and emoluments of a Lieutenant Colonel of Infantry when in actual service, two Aids-de-camp, and one Division Quarter-master, each with the brevet rank, pay and emoluments of a Major of Infantry, when in actual service. The staff of a Brigadier General shall consist of one Brigade Inspector, with the brevet rank, pay and emoluments of a Major of Infantry; one Aid-de-camp, with the rank, pay, emoluments and allowances of a Captain of Infantry, with an addition of sixteen dollars per month, pay and forage for two horses; and one Brigade Quarter-master, with the brevet rank, pay and emoluments of a Captain of Infantry, and forage for two horses, when in actual service. The Brigade Inspectors shall reside within the limits of the Brigades for which they are appointed; and the Governor, with the advice of Council, shall commission the several Major Generals, Brigadier Generals, and the Adjutant General who may be hereafter appointed, pursuant to this act; and all vacancies hereafter accruing in any of the said offices, shall be supplied by appointments in like manner to be made.

Residence of brigade inspectors.

Generals to be commissioned by governor with advice of council.

Vacancies how to be supplied.

Rank of adjutant general.

6. The Adjutant General shall have the brevet rank of a Colonel of Cavalry in the army of the United States. He shall be, and is hereby, authorised and required, to direct returns and reports to be made to him of the strength and condition of the Militia, the state of the public arms and accoutrements, and other public property, applicable to military purposes, at least once a year, and whenever else he may be required by the Executive of the Commonwealth. It shall be his duty, to prepare general regulations defining and prescribing the respective duties of the different departments of the army, which, when approved by the Executive, shall be respected and obeyed, until altered or revoked by the same authority; and the said general regulations, thus prepared and approved, shall be recorded in the Adjutant General's office, and a copy thereof laid before the General Assembly at their next session.

His powers and duties; To require returns of strength of militia, state of public arms, &c.

To prepare general regulations for different departments of army.

Such regulations to be recorded in his office, and laid before general assembly.

To exercise functions of quarter master general, & Commissary general of ordnance.

His salary.

7. The offices of Quarter-Master General and Commissary General of Ordnance, shall be attached to that of the Adjutant General, who shall be held responsible for the performance of all the duties hereby attached to those offices; and he shall be allowed fifteen hundred dollars *per annum*, payable quarterly, in lieu of all other compensation.

His powers and duties in relation to the quarter master's department.

8. The Adjutant General shall take charge of the Quarter-Master's department throughout the State; and shall have power to issue orders to all Quarter-Masters, requiring of them such returns and reports, and giving them such instructions, as he may deem proper and necessary, for the security and preservation of the public property.

As commissary general of ordnance.

9. It shall be his duty, as Commissary General of Ordnance, to direct the inspection and proving of all pieces of ordnance, cannon-balls, shells and shot, procured for the use of the State, and to direct the construction of all carriages, and every apparatus for ordnance, for garrison and field service, and all ammunition waggons and travelling forges. He shall have the direction of the laboratories, the inspection and proving of the public pow-

der, and the preparing of all kinds of ammunition for garrison and field service, and shall, at least once in every six months, examine into the state and condition of all arms, ordnance, carriages, ammunition and apparatus in the respective fortresses, magazines and arsenals, and cause the same to be preserved and kept in good order. He shall also execute all orders issued by the Executive, and shall transmit to them, at least once in every three months, a correct return of all ordnance, arms, ammunition, military stores in the respective fortresses, magazines and arsenals, with a statement of their order, quality and condition; and, also, what may be necessary to keep up an ample supply of each and every article wanted for the public service. He shall also inspect, from time to time, the arms manufactured at the Armory, and report to the Executive any defect he may discover in them.

Arms, &c. to be examined by him, at least once in every six months.

His duty to execute orders of executive; to make returns to them at least once in every three months.

To inspect arms at the armory.

Regulations of such duties, how to be prescribed.

10. The duties aforesaid shall be performed agreeably to the laws of the United States, and of this State, and such regulations as may be prescribed by the Executive of this State.

Public property in Richmond under his control.

11. All the public property in the city of Richmond, shall be and the same is hereby placed under the immediate control of the Adjutant General, who is hereby charged with the preservation of the same in proper repair, and in proper order and cleanliness: and, to effect any of these purposes, the city-guard shall be placed under his command; subject, however, to the control of the Executive.

His powers & duties in relation thereto.

Adjutant general to inspect public edifices and property, once in each month, and report their condition.

12. The Adjutant General shall also be inspector of the public edifices and property in the city of *Richmond*; and, in that capacity, it shall be his duty to inspect the condition of the same, once in each month, or oftener, if required by the Executive, and to report the condition thereof to the Executive; to notice and report, especially, all defects of neatness and good order in the use of the same, and all neglect of duty on the part of any of the officers or agents employed therein.

13. He shall reside and keep his office at the seat of the Government of this Commonwealth: *Provided, however,* That, if at any time the public service shall render it expedient, the Governor, with the advice of Council, may direct the said Adjutant General to remove with his office to any other place within this State. Where to reside and keep his office. Proviso.

14. The Governor of this Commonwealth, with the advice of Council, shall be, and he is hereby authorised, at any time, to bestow brevet rank upon any person in actual service, for distinguished military merit. Executive may bestow brevet rank.

15. The Governor, with the advice of Council, shall be, and he is hereby authorised and required, to appoint and commission, to each Division, one Colonel, one Lieutenant Colonel, and one Major, to command the several companies of Artillery and Cavalry, (as the case may be) annexed to each Division; and to arrange such companies of Artillery into Regiments and Battalions, in such manner as to them may seem most convenient, to be denominated the Regiment and Battalion of the Regiment of Artillery, or Cavalry (as the case may be;) but it shall not be lawful for the Executive to organize or establish any Regiment, Battalion, or Company, or to commission any officer to command any Regiment, Battalion or Company, unless such Regiment, Battalion or Company shall have been previously established by the laws of this Commonwealth, or unless the Executive shall have been, or shall be expressly authorised to establish or organize the same; and every person, to whom any commission shall have been issued heretofore, contrary to the provisions of this section, shall not be exempt from militia duty, nor be entitled to any rank by virtue of such commission. Field officers of artillery and cavalry, how to be appointed and commissioned. Companies of artillery how arranged into regiments and battalions. Executive prohibited from organizing or establishing regiments, &c. not authorised by law.

16. Hereafter the annual returns of the Militia of this Commonwealth, shall be as follows: On the first day of the training of the officers within every Regiment, the commanding officer of each company attached thereto, whether of cavalry, artillery, gre- Annual returns of militia when and how to be made. Duty of commanding officers of companies;

nadiers, riflemen, light infantry, or infantry of the line, shall deliver to the commanding officer of the Regiment, a fair and correct return of the strength and condition of his company. The commanding officer of the Regiment shall cause the returns to be consolidated, and on the last day of the training, shall deliver to the Brigade Inspector a fair and correct return of the strength and condition of his Regiment, including every species of troops aforesaid. He shall invariably note therein, the failure of every commanding officer of a troop or company to make the return hereby required of him. He shall also enter and preserve a copy of his regimental return in a book which he shall keep for that purpose. When the training of the officers of the several Regiments in a Brigade shall have been finished, the Brigade Inspector shall consolidate the returns, which he shall have received from each Regiment; and, within thirty days, shall transmit to the Adjutant General a fair and correct return of the strength and condition of the Brigade, distinguishing particularly the strength and condition of each Regiment therein, and noting the failure of every commanding officer of a Regiment, to make the return hereby required of him. He shall also enter and preserve a copy of such return, in a book, to be kept by him for that purpose. If, from any cause, the Brigade Inspector shall be prevented from attending the training of the officers in any Regiment, it shall be his duty, without delay, to cause application to be made to the commanding officer for his regimental return. The forms of the several returns hereby directed, shall be prescribed by the Adjutant General; subject, however, to the revision and control of the Executive; and, when so prescribed, shall be furnished by the Adjutant General, to each Brigade Inspector in the Commonwealth. The Brigade Inspector shall furnish to the commanding officers of the Regiments in his Brigade, the forms of regimental company returns: and the commanding officer of the Regiment shall cause to be furnished the form of the

Of commanding officers of regiments,

Of Brigade inspectors.

Forms of returns how prescribed.

Adjutant general to furnish them to brigade inspectors, &c.

company return, to the commanding officer of each troop and company attached to the Regiment. The several company, regimental, and brigade returns shall be according to the forms so prescribed and furnished. Any officer failing to perform the duties hereby required of him, in relation to the aforesaid returns, or in relation to other returns required by the Adjutant General, pursuant to law, shall forfeit and pay a fine as follows: the commanding officer of a troop or company, not less than five, nor more than twenty dollars; the commanding officer of a Regiment, not less than fifteen, nor more than seventy dollars; and the Brigade Inspector, not less than twenty-five, nor more than an hundred dollars. The officers aforesaid shall, moreover, be liable to be arrested for such offence, and cashiered or punished with other inferior punishment, by the sentence of a court martial.

Penalties on officers failing to perform these duties.

17. Where it has not already been done, the courts of the several counties and corporations, shall proceed to recommend to the Executive, the officers necessary to complete the regiments, battalions and companies pursuant to this act; and the persons so recommended, shall be commissioned by the Governor, agreeably to the Constitution of this State. And all vacancies, thereafter happening in the said offices of the militia, shall be supplied by appointment of the Governor, with the advice of the Council, or recommendation from the court of the respective county or corporation where such vacancy happens; any thing in any act to the contrary notwithstanding.

Courts to recommend officers to be commissioned

Vacancies how to be supplied.

18. Any officer of the Militia, not under arrest at the time, may, whenever he shall think proper, resign his commission, by tendering the same, accompanied by a letter of resignation, to the Governor, or to the commandant of the regiment to which he may belong: *Provided, however,* That no officer in actual service shall avail himself of this privilege without the permission, in writing, of the officer commanding the troops with which he shall be serving. And the officer receiving such resig-

When and how officers may resign.

Proviso, as to officers in actual service.

Duty of officer receiving

resignation to notify the county court.

nation, shall, in cases where the vacancy is filled on recommendation of the county courts, notify the same to the next succeeding court, in order that such vacancy may be supplied. And any officer who shall remove from his county, and the bounds of his Regiment, or shall have ceased to perform the duties of his office for eight months, and any Major General, Brigadier General, or other officer, who shall remain out of the limits of the State for more than eight months after he shall have been elected or appointed, shall be considered as having resigned his office; and the vacancy thereby occasioned shall be filled as in other cases; unless such officer shall be employed abroad, in the service of this State, or of the United States. And it shall be considered the duty of the clerks of the several counties within this Commonwealth, to enter of record the recommendations of officers proper to fill vacancies in the Militia, and qualify them, without any fee for the same. There shall be, in future, no supernumerary officers among the Militia: and the commissions of all those who hold no command shall be deemed null and void, and the persons holding them, unless otherwise exempt, shall return to the ranks.

Where change of residence shall be considered resignation.

Clerks to record recommendations, and qualify officers without fee.

Commissions of supernumerary officers, void.

Oaths of militia officers, by whom administered.

19. Each and every officer, who may be hereafter appointed and commissioned in manner aforesaid, shall, previous to his entering on the execution of his office, take the following oaths, (to be administered by a justice of the peace, or the court of the county or corporation in which such officer resides,)

Form thereof.

to wit;—*I, do swear that I will be faithful and true to the Commonwealth of Virginia, of which I profess myself to be a citizen, and that I will faithfully and justly execute the office of in the Militia thereof, according to the best of my skill and judgment. So help me God. I do solemnly swear or affirm,* (as the case may be,) *that I have not been engaged in a duel, by sending or accepting a challenge to fight a duel, or by fighting a duel, or in any other manner, in violation of the act, entitled,* An act to suppress

duelling, *since the passage of that act, nor will I be so concerned, directly or indirectly, in such duel, during my continuance in office. So help me God.* If the said oath be administered by a justice of the peace, it shall be his duty to certify the same to the court of his respective county or corporation, there to be entered of record by the clerk. And the oaths aforesaid may be administered to such officer, by any justice of the peace of a county, or mayor or alderman of any corporation within this Commonwealth. And it shall be the duty of the officer, taking such oaths out of the county or corporation in which he resides, to transmit the certificate of such qualification, signed by such justice, mayor or alderman, to the court of the county where such officer may reside, there to be entered of record by the clerk. And every person hereafter commissioned as a field officer, captain or subaltern, shall, within one month after he shall have received his commission, take the oaths hereby prescribed; and, in case of failure, he shall be considered as having vacated his commission; and it shall be the duty of the court of the county wherein such person has been nominated, to proceed forthwith to nominate some other person to supply the vacancy; and, in such nomination, to certify the cause thereof to the Executive.

To be certified, when taken out of court.

To be taken in one month after receipt of commission.

Commission vacated by failure.

Court's duty thereupon.

20. It shall be the duty of the Executive to number by ballot, where the same has not already been done, the several Divisions, Brigades and Regiments, and cause the same to be registered in the office of the Adjutant General; and every commission, hereafter issued by the Governor as aforesaid, shall express the number of the Division, Brigade and Regiment respectively, to which the person obtaining the same shall belong.

Divisions, brigades and regiments to be numbered & registered.

Commission to express number of division, &c.

21. Where commanding officers of Regiments have failed to lay off their Regimental, Battalion and Company Districts, or where any alteration in Districts actually laid off, may hereafter be found necessary, commanding officers of Regiments shall assemble the commanding officers of Battalions and

When commanding officers of battalions and companies shall be assembled to lay off or alter districts.

Companies, at some fit and convenient place, and may proceed to lay off or alter any such Battalion or Company District; which districts shall, in all cases, be designated by certain lines and bounds, and recorded by the clerks of the Courts of Enquiry, respectively: *Provided, however*, That no such alteration shall be made in any Battalion or Company Districts, unless the Board of Officers or Regimental Court Martial, by which it may be done, shall consist of at least two field officers, and a majority of the Captains or Commandants of Companies, attached to the Regiment in which such alteration may be made.

Lines and bounds to be recorded by clerks of courts of enquiry.

Board, how organized, to be authorised to make alterations.

22. Where it has not already been done, it shall be the duty of the commanding officers of companies to proceed forthwith, to divide their companies into divisions, by ballot, from one to ten, for the purpose of a regular routine of duty when called into actual service; and to return a roster of each division, and its number in rotation, within fifteen days thereafter, to the commanding officer of his Battalion, who shall forthwith transmit the same to the commanding officer of the Regiment, who shall direct the same to be recorded by the clerk of the Court of Enquiry. The same regulations shall be observed by every commanding officer of a Company, Battalion and Regiment, on the subsequent enrollment of any person therein, unless such person shall produce a certificate of his having been before drawn for the above purpose, in which case he shall be enrolled accordingly; and every Militia-man removing out of the bounds of one company into another, shall apply to the commanding officer of the company to which he did belong, who shall give him a discharge, certifying the class wherein he was arranged, and whether he had performed his tour of duty or not, and also the time and date of such service; which certificate the said Militia-man shall produce to the Captain or commanding officer of the company, into whose bounds he shall so have removed, within ten days after his settlement; and such officer is hereby required to

Divisions of companies by ballot from one to ten, for purpose of routine of duty.

Returns of such divisions to commanding officers of battalions and regiments.

Proviso, as to persons subsequently enrolled.

Persons removing out of company bounds to get certificates from commanding officers;

And produce them to commanding officers, into whose bounds they remove.

enroll him in the numerical class specified therein; and every Militia-man, so removing, and failing to produce such certificate, shall be arranged and enrolled in the class destined to perform the next tour of duty. And if any Captain or commanding officer of a company, shall refuse to grant such certificate, upon application to him made for that purpose, he shall, for such refusal, incur a penalty of thirty dollars, to be assessed and applied as other fines imposed by this act.

Consequence of neglect.

Penalty on officer refusing certificate.

23. The commanding officer of the Regiment shall be, and he is hereby authorised and required, whenever a requisition is made for troops, to direct an officer to muster and inspect the men detailed from his regiment, to take the field, who, together with the Surgeon of the Regiment, shall certify to the court, herein directed to be holden, their opinions of the ability of the persons so detailed to perform military duty. The said commanding officer of the Regiment shall cause a Court of Enquiry to sit at the time of such detail, or as soon as practicable thereafter, whose duty it shall be to hear and decide all questions which may arise in relation thereto. The officers of such courts shall receive the same compensation for their services as are allowed by law to the officers of other regimental Courts of Enquiry.

How men detailed to take the field shall be mustered and inspected.

Court of enquiry at time of such detail.

Compensation to officers of such court.

24. No non-commissioned officer, musician or private, shall absent himself from his Regiment after the Commandant thereof has received an order, requiring a detail to be made, and of which the said non-commissioned officer, musician or private, shall have been, in any way, or by any means, informed, until such detail shall have been made. And every non-commissioned officer, musician or private, who shall absent himself as aforesaid, and who shall be subsequently detailed to march in requisition, shall be considered and treated as a deserter, unless he join the detachment, with which he is so detailed for duty, at the place appointed for the rendezvous of such detachment, or shew that he was prevented from so joining by some unavoidable cause.

Absence from regiment, after order received for detail forbidden.

Penalty on absentee, unless he join the detachment at place of rendezvous, &c.

Penalties on officers, &c. for disobedience of orders.

25. Every officer, non-commissioned officer, or private, who shall fail to obey the orders of the President of the United States, when communicated by any officer in the service of the United States, or by the Executive of this State, or otherwise, (not having a reasonable excuse, to be judged of by the Court Martial herein after mentioned,) or who shall fail to obey the orders of the Executive of this State, or the orders of any officer of the Militia, duly authorised to issue the same, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be adjudged and determined by a Court Martial; and such officer shall, moreover, be liable to be cashiered by the sentence of such court, and be incapacitated from holding a commission in the Militia, for a term not exceeding twelve months, at the discretion of the said court; and such non-commissioned officer or private, as shall fail to appear at the place of rendezvous, when ordered as aforesaid or failing to march when ordered, or to furnish a substitute as herein after prescribed, shall be liable to be imprisoned by a like sentence, on failure in payment of the fines adjudged as aforesaid, one calendar month for every five dollars of such fine, on the certificate of the clerk of the Court Martial assessing such fine; and shall, moreover, be enrolled in the division or class destined to perform the next tour of duty.

On non-commissioned officers or privates failing to appear at place of rendezvous, &c.

Court Martial to try a major general for disobedience of orders, how to be ordered and constituted.

26. When any Major General or Brigadier General shall fail to obey the orders issued and communicated, as aforesaid, it shall be the duty of the Governor as soon as practicable after such failure shall have happened, to order for the trial of such Major General or Brigadier General, a court martial, to be composed, in the case of the trial of a Major General, of one Major General, at least, and as many Brigadier Generals, Colonels, Lieutenant Colonels and Majors, as shall form a court, to consist of thirteen members; and in the case of a trial of a Brigadier, to consist of at least one Brigadier, and as many Colonels, Lieutenant Colonels, Majors and Captains, as will form a court of not

How, for trial of brigadier general.

less than nine, nor more than thirteen members; and when a Colonel or other field officer shall fail to obey the orders, issued and communicated as aforesaid, it shall be the duty of the commanding officer of the Brigade, to which such Colonel, or other field officer, shall belong, to order, as soon as practicable, a court martial for the trial of such Colonel or other field officer, to consist of, at least, one Colonel, Lieutenant Colonel, or Major, of the grade, as the case may be, of the officer to be tried, as President, and as many inferior officers, not under the rank of Lieutenant, as shall form a court, of not less than seven, nor more than thirteen members; and when any other officer, non-commissioned officer, musician or private, shall fail to obey the orders issued and communicated, as aforesaid, the Colonel, or commanding officer, of the Regiment to which such officer, non-commissioned officer, musician or private, shall belong, shall forthwith, or as soon as practicable, order for the trial of such officer, non-commissioned officer, musician or private, a court martial composed of the officers of the Regiment, and consisting of one Lieutenant Colonel, or Major, at least, (if there be such officer in commission in the Regiment,) and as many Captains and subaltern officers, as will form a court of not less than five, nor more than thirteen members.—There shall be appointed to each of the aforesaid courts two supernumeraries; and they shall sit at such time and place, as the Governor, or officer ordering the same shall direct; and, in the trial of a Brigadier General, the said courts shall be composed of officers taken from the Division to which such Brigadier shall belong; and in the trial of a Colonel, or other field officer, they shall be composed of officers taken from the Brigade, to which such Colonel or other field officer shall belong. The aforeaid courts shall proceed as is directed, and the members, clerk, recorder or judge advocate and provost martial, shall be allowed the same compensation, and in the same manner, as is allowed in the case of other courts martial; and it shall be

Of a colonel, or other field officer.

Of other officers, non-commissioned officers, musicians or privates.

Such courts, when and where to sit.

Compensation to members, clerks, recorder or judge advocate and provost martial.

Duty of clerk,

&c. to certify lists of fines, to the sheriff and auditor.

the duty of the clerk, recorder, or judge advocate, to make out lists of all fines which by the said courts may be assessed, and to certify them to the sheriff of the counties in which the delinquents may reside, and to the Auditor of Public Accounts, under the same penalties, and in the same manner, as is prescribed in the case of clerks of Regimental Courts of Enquiry.

Provision where person drafted shall die, or fail to march.

27. Where a draft shall be made, from any company of Militia within this Commonwealth, and any of the persons drafted to perform a tour of duty, shall die before he or they shall march, or, from sickness, be unable to march, or from any other cause, shall fail to march when ordered, the next man or men, in the class or roll of the company, to which he or they shall belong, shall march in the requisition then ordered; and so on until the requisition be completed; taking from each company, in each Regiment, a sufficient number to make up the quota required from each company by the draft.

Next man to march, in requisition then ordered, &c.

Absentees from rendezvous, without leave, may be apprehended, and how.

28. When any non-commissioned officer, musician or private, shall fail to appear at the place of rendezvous appointed, when ordered, or absent himself without leave, it shall be the duty of the commandant of the Regiment to which he belongs, forthwith to order some commissioned officer, and as many men as may be necessary, belonging to the said Regiment, to apprehend and take such non-commissioned officer, musician or private, and deliver him to the commandant of the detachment with which he was detailed; and, in all such cases, every person so failing or absenting himself without a justifiable excuse, shall be deemed a deserter, and treated accordingly: *Provided, nevertheless,* That, if, in the opinion of such commissioned officer, the person so failing, shall not be able to march, such commissioned officer shall not be bound to execute such order: And *provided also,* That if any person so offending, shall be apprehended and delivered to the commanding officer of his corps, so that he perform his tour of duty, or stand his trial for the offence of desertion, he shall not be liable

Such persons to be treated as deserters.

Proviso, in favour of persons not able to march.

Offender performing tour of duty, or standing trial for desertion not finable.

to the fine imposed by the twenty-sixth section of this act.

29. When any Militia-man shall be detailed or drafted for service, he may furnish to the commandant of the Regiment, from which he is so detailed or drafted, or to the commandant of the company or detachment, or to the commandant of the Regiment to which he may be transferred, at any time before the organization of the Regiment, an able bodied man, well clothed; and if either the commandant of the said Regiment, or the commandant of the company called into service, on inspection, shall adjudge the man tendered as a substitute, able to perform the tour of duty, he may receive him as a substitute; and the commandant of the Regiment, to which he may be transferred, may, at any time after the organization thereof, receive such substitute, provided, that in his opinion, the public service will be thereby promoted; and if it should so happen that the substitute, from his stand in his class roll, or division list of his company, should be called on to perform his own tour of duty, before the time for which he is so engaged shall expire, the person furnishing him as a substitute, shall march in his place, or furnish another substitute, or be liable to the fines and imprisonment provided for by this law; and the person furnishing a substitute, shall be liable to muster, and shall perform militia duty, in the absence of such substitute, in the same manner as if he had not furnished a substitute.

Substitutes, for men detailed or drafted, how to be furnished.

Provision where the substitute is called on to perform his own tour of duty before his engagement has expired.

Person furnishing a substitute, liable to muster, &c. during his absence.

30. The fines, as well those heretofore, as those hereafter, imposed by law, upon a non-commissioned officer, musician or private, for failing to appear at the place of rendezvous when ordered, or failing to march when ordered, or to furnish a substitute, shall be certified by the President of the court before whom the same shall be assessed, to the sheriff of the county in which the delinquent shall reside, and also to the auditor of public accounts; noticing in the certificate to the auditor, the residence of the delinquent. The said sheriff shall proceed forth-

Fines for failing to appear at rendezvous, &c. to be certified to the sheriff and auditor by president of the court.

How and when to be le-

vied and paid into the treasury.

with, upon such certificate, to levy the said fine, with costs, by distress and sale of the goods and chattels of the delinquent; and shall pay all such fines by him levied, into the public treasury, at the same time that the public revenue is payable; shall be entitled to the same commission thereon as for the collection of the said revenue, and liable to be proceeded against, for a failure to pay the same, in like manner as for a failure to pay the public revenue. And when any non-commissioned officer, musician or private, shall be adjudged to suffer imprisonment, there being no goods and chattels found whereof to levy the said fine, the said sheriff shall forthwith commit such delinquent to jail, there to be confined during the term for which he was adjudged to suffer imprisonment, or until he shall pay the fine with costs.

Sheriff's compensation and liability.

When delinquents may be committed to jail;

How long to be confined.

Officers to command detachments to be detailed from the division, brigade or regiment.

31. When any detachment of Militia shall be hereafter called into the service of the United States, or of this State, from any particular Division, Brigade or Regiment, within this State, the officers intended to command such detachment, shall be detailed from the Division, Brigade or Regiment, from which such detachment shall be detailed.

Field officers and regimental staff, to be appointed by a colonel called into service.

32. When any Colonel shall be called into the service of this State, he shall have the exclusive right to appoint his field and Regimental staff officers, to consist of one Adjutant, one Quarter-master, one Pay-master, one Surgeon, two Surgeon's Mates, one Sergeant Major, one Quarter-master Sergeant, and two principal musicians: *Provided*, That the said Colonel shall cause the Pay-master and Quarter-master to give, when called into actual service of the State, bond and security to the Governor for the time being and his sucessors, in the sum of seven thousand dollars, for the faithful discharge of their respective duties.

Pay-master and quarter-master to give bond and security.

Term of service of militia called out by state authority.

33. The Militia of this Commonwealth, when called out under state authority, shall serve six months after their arrival at the place of rendezvous, unless sooner discharged, and shall have credit only for the time actually served: *Provided, how-*

ever, that the Governor of this Commonwealth shall, at all times, have power to retain the Militia in the service of this State, for such period of time and no longer, as the President of the United States now is, or hereafter may be authorised, by the laws of Congress, to retain the Militia in the service of the United States. Proviso.

34. The Governor, with the advice of Council, shall and may cause the several companies of Artillery, Cavalry, Grenadiers, Light Infantry and Riflemen, to be allotted by entire companies into Divisions, from one to ten, for a regular routine of duty: and the said companies shall, in future, be called in actual service by entire companies, in such manner and proportion as the rest of the Militia, or as the nature of the service may require; and all such allotments shall be returned to the office of the Adjutant General, to be recorded by him. Companies of artillery, cavalry, &c. may be allotted, by entire companies for routine of duty. Such allotments to be recorded in adjutant general's office.

35. Where a troop of Cavalry, company of Artillery, Light Infantry or Riflemen, shall be ordered to march, and any man belonging to such troop or company, shall fail to march or furnish a substitute as aforesaid, the Commandant of the company of infantry, in whose district he may reside, shall immediately enroll him, and put him in the division or class, to perform the next tour of duty; and he shall no longer be a member of such troop of Cavalry, company of Artillery, Light Infantry or Riflemen, as the case may be; and shall moreover be liable to the fines and penalties imposed by this act on non-commissioned officers and privates, who fail to appear at the place of rendezvous, or shall fail to march when ordered. Penalties on members of troops of cavalry, &c. failing to march or furnish a substitute.

36. The Members of the Council of State, Judges of the Superior Courts, Clerks of both Houses of the General Assembly, Clerks of the Superior and inferior Courts, the Attorney General, the Treasurer and his clerks, the Auditor of Public Accounts, the Register of the Land Office, and their clerks, all Inspectors of tobacco, all Professors and Tutors of the College of William and Mary, and all other public seminaries of learning, all ministers of the Who are exempted from military duty.

gospel licensed to preach according to the rules of their sect, who shall have previously taken, before the court of their county, the oath of fidelity to the Commonwealth, keepers of the public, county and corporation jails, and of the public hospital, the keeper of the Penitentiary and his assistants, and the door keepers to the Executive, shall be and are hereby exempted from the performance of all and any part of the duties required by this act; and the cryers of the Court of Appeals and Chancery District Courts, shall be exempt from fines for failing to attend musters which may happen during the sitting of their respective courts.

Who from muster fines in certain cases.

And who from ordinary duties of militia-men, remaining liable to be drafted and detailed for actual service.

37. The officers of the several banks established by authority of the Commonwealth, and their respective branches, and all millers necessarily and personally employed in any grist-mill, and all ferrymen necessarily and personally employed at any ferry established by law, shall be and are hereby exempted from the performance of the ordinary duties of Militia-men; but it shall be the duty of every captain commanding a company, in the bounds of which any person so exempted shall reside, to enroll such person in his proper class in such company, as other persons are by law directed to be enrolled; and every such person shall be liable to be drafted and detailed for actual service, in the same manner as he would have been had this exemption not been made.

Who shall be enrolled in the militia.

38. The commanding officers of Companies shall enroll every able-bodied white male citizen, between the ages of eighteen and forty-five, (except such as are exempted by this act,) resident within his district; and in all cases of doubt respecting the age of any person enrolled, or intended to be enrolled, in any company of Militia, the party questioned shall prove his age, to the satisfaction of a majority of the officers of the Company, within whose bounds he may reside.

Burden of proof, as to age of persons claiming to be exempt.

Executive to commission officers of companies of grenadiers,

39. The Governor, with the advice of Council, or on the recommendation of the county or corporation courts, shall issue commissions for one Cap-

tain, one Lieutenant, and one Ensign to each Battalion, who shall proceed by voluntary enlistment, within their Battalion, to enroll a sufficient number of men to complete their company or companies, and be distinguished by the denomination of Grenadiers, Light Infantry or Riflemen, at the discretion of the commanding officer of the Regiment; and the Governor shall moreover, as aforesaid, issue commissions for officers of one troop of Cavalry to each Regiment; and with the advice of Council, at their own discretion, to appoint and commission the necessary officers for one or more companies of Artillery, not exceeding one to a Regiment, in each Brigade; which said officers of Cavalry and Artillery, are hereby empowered to enlist, by voluntary enlistment, within their respective Regiments, a company or companies of Cavalry or Artillery, according to the tenor of the commissions, to be denominated respectively, the company of Cavalry, or the company of Artillery, as the case may be. The said companies of Grenadiers, Light Infantry, or Riflemen, shall wear while on duty, such caps and uniform as the Executive shall direct, and shall, together with the said troops of Cavalry and companies of Artillery, perform the same routine of duty, and be subject to the same rules, regulations and orders, as the rest of the Militia. The said light companies shall constitute a part of the Battalion in which they are raised; and the said troops of Cavalry and companies of Artillery shall parade with the Regiment out of which they have been enlisted, and with such Battalion as the Regimental Court of Enquiry shall direct; and the said troop and companies shall be governed by the same rules and regulations, and subject to the like penalties, as are by law directed with respect to the rest of the Militia.

light infantry or riflemen.

Of troops of cavalry;

And of artillery companies; not exceeding one to each regiment.

Uniform of grenadiers, light infantry or riflemen.

Light companies to constitute part of battalion.

Cavalry and artillery, when to parade.

40. It shall not be lawful for any Militia-man belonging to the infantry of the line, to join any volunteer company, after such company shall have performed a tour of duty, either in the service of this State or of the United States, until twelve

Militia-men of the line prohibited from joining volunteer companies that have performed tour of duty.

How long. Exception. months after such volunteer company shall have been discharged from such tour of duty; unless such Militia-man shall previously have performed a like tour of duty; *Provided, however*, That nothing herein contained shall prevent young men, arriving at the age of eighteen years, and who have not been enrolled in any Militia company of the line, from joining any volunteer company within their county.

Proviso, as to young men not enrolled.

Commissions may be issued to officers for new troops of cavalry, &c; old being dissolved.

41. When any troop of Cavalry or company of Artillery, Light Infantry, Grenadiers or Riflemen shall, on the order of the commandant of a Regiment, be dissolved and returned to the body of the Militia, in consequence of its strength not being kept up to the number required by law, the Governor, with the advice of Council, may issue commissions for officers to command another troop or company, to be annexed to the same Regiment.

Strength of volunteer companies.

42. None of the volunteer companies of Militia hereafter enlisted, shall consist of more than seventy-five men, rank and file; nor shall the volunteer companies, at present established, be increased in strength beyond that number.

Officers not to sit in courts martial.

43. Officers, to whom commissions have issued to raise volunteer companies, attached to any Battalion or Regiment of the Militia of this Commonwealth, shall not sit in Courts Martial, till their companies are complete, and a return shall have been made of their strength to the Commandant of the Regiment. When commissions shall hereafter issue for the purposes aforesaid, the officers shall not qualify to their commissions; until their companies shall be complete, and a return thereof shall have been made as aforesaid; and until the Commandant of a Regiment shall have issued an order declaring that a volunteer company has been completed, and a return made as aforesaid, no person thereto belonging shall be exempt from the Militia duty he was bound to perform in the company to which he belonged. Enlistments into volunteer companies shall be for three years at least, and not for more than five.

Nor qualify to commissions till their companies are complete;

And an order issued by commandant of regiment.

Enlistments into volunteer companies, how long.

Cavalry and artillery musters, when and where.

44. There shall be a muster of each troop of Cavalry and company of Artillery, in the months of April and October in every year, at such places as a majority of the members constituting the said troop or company, shall, from time to time, fix upon; and it shall be the duty of the commanding officer of every such troop or company, and he is hereby required, at each and every muster, to call his roll, examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof, to the commanding officer of the Battalion within whose bounds such delinquent may reside, to be reported and proceeded against, in like manner as other delinquents; and it shall be lawful for any commissioned officer of Cavalry or Artillery, to sit in any Court of Enquiry and assessment of fines, to which any person in their respective companies is reported a delinquent: *Provided*, That not more than one such officer sit in any such court at the same time.

Duties of commanding officer at such musters.

Cavalry and artillery officers to sit in courts of enquiry.

Proviso.

Other company musters, when and where.

45. There shall be a muster of each company of Militia, including the light companies, in the months of April and October in every year, at such times and places as the Regimental Courts of Enquiry shall, from time to time, direct and appoint. And there shall be a muster of each Battalion, in the month of October or November in every year, to be appointed by the commanding officer of the Regiment, to which such Battalions respectively belong, at such place as the Battalion Court of Enquiry shall hereafter appoint, within the battalion district; and there shall be a muster of each Regiment, in the month of April or May in every year, to be appointed by the commanding officer of the Brigade to which such regiments respectively belong, at such place as he shall think most convenient, within the regimental district; which said Company, Battalion and Regimental musters shall continue one day, and no longer. The time of such Regimental musters shall be notified to the commanding officers of Regiments, forty days previous

Battalion musters, when and by whom to be appointed.

At what place.

Regimental musters, when and by whom to be appointed.

At what place.

Musters, how long to continue.

Notice of regimental,

And of battalion musters.

thereto: the commanding officers of Regiments shall give notice to the commanding officers of Battalions, of the time of Regimental and Battalion musters, at least thirty days; and the commanding officers of Battalions, to the commanding officers of Companies, at least twenty days; and the commanding officers of Companies to their serjeants, at least ten days; and the serjeants to each person in their companies, at least three days before such musters. The notices given by the commanding officers of Brigades, Regiments and Battalions, shall be in writing, delivered to each person to be notified, or left at his usual place of abode: and every serjeant failing to give notice agreeably to this act, shall forfeit and pay, for every offence, three dollars; nevertheless, all notices publicly given by the commanding officers of companies, at their respective musters, of any subsequent muster, shall be held and deemed as legal notice: *Provided*, That nothing herein contained, shall be so construed, as to make notices of company musters necessary. Every officer and soldier shall appear at his respective muster field, on the day appointed, by eleven o'clock in the forenoon. At every muster, the commanding officer of the company shall call his roll, examine every person belonging thereto, and note down all delinquencies accruing therein, and make return thereof, at or before the next Regimental or Battalion Court of Enquiry, to the commanding officer of his Battalion, including those which occurred on the day of his last regimental or battalion musters; and the commanding officers of Regiments and Battalions shall, at their respective regimental or battalion musters, as the case may be, take notice of all the delinquent officers, and shall lay the same, together with the returns of delinquencies from the commanding officers of companies, before the Court of Enquiry under this act, to take cognizance of, and determine on them; and, to each of the said returns shall be annexed the following certificate; to wit: *I, do certify that the returns hereto annexed, contain all the delin-*

Such notices to be in writing.

Penalty on serjeant failing to give notice. Proviso.

Further proviso.

At what hour officers and soldiers shall appear at muster.

Duties of captains at company musters.

Returns of delinquencies.

Commandants of regiments, &c. to return delinquent officers to courts of Enquiry.

Return, how certified.

quencies which have occurred since my last return, having duly examined the same.

Serjeants, corporals, drummers and fifers, to be appointed; and by whom.

46. Each captain or commanding officer of a company, shall appoint to his company, four serjeants, four corporals, a drummer and fifer, to be approved of by the commanding officer of his Battalion.

In case of death, absence or resignation of superior officer next in command to act.

47. In all cases of death, absence or resignation of any Major General, Brigadier General, Colonel, Lieutenant Colonel, Major, Captain or Lieutenant, the next officer in rank in his respective commands, shall be considered as the commanding officer during such vacancy, and liable to perform the duties required by this act; and for neglect therein, shall incur the penalties annexed thereto.

Training and exercising required at musters.

48. It shall be the duty of every commanding officer of a Regiment, Battalion or Company, at their respective musters, to keep their respective corps under arms for a period of at least two hours, and to cause them to be trained and exercised, agreeably to the mode of discipline prescribed by Congress, under pain of being arrested and tried for breach of duty; and, for this purpose, the said officers are hereby authorised to order the most expert and fit officer, in their respective commands, to perform the duty.

Trainings of officers by brigade inspectors, when and where.

49. And, in order that a knowledge of the rules of discipline may be more readily obtained, the commissioned officers of the several Regiments shall meet once in every year, within their respective regimental districts, for the purpose of being trained and instructed by the Brigade Inspectors; the days and place of meeting to be fixed on by the commanding officer of the Brigade to which the Regiments belong, within the months of April or May in each year, immediately preceding the Regimental muster; which training shall continue three days and no longer. The eldest officer present shall call the roll on each day, and report the delinquencies to the succeeding Regimental Court of Enquiry; and every officer, failing to attend such meeting, on being summoned, not hav-

And how long.

Roll call, and report of delinquents.

Penalty for non-attendance.

ing a reasonable excuse, to be adjudged of by a Court of Enquiry, shall forfeit and pay, for each day which he shall fail so to attend, five dollars, to be appropriated as the other fines are by this act:

Such training where, if more than one regiment in county.

Provided always, That, where there is more than one Regiment in a county, the officers of each Regiment shall meet at the court-house of said county, for the purpose of being trained by the Brigade Inspector, as prescribed by law.

Duty of artillery and cavalry officers to attend.

It shall be the duty of the officers of Artillery and Cavalry of every grade, to attend the training of officers in the Regiments wherein they respectively reside; and they shall be subject to the same penalties on failure, as other officers of equal rank.

Penalty on brigadier general failing to appoint training of officers.

50. Every Brigadier General failing to appoint or direct the training of officers in any Regiment, or failing to appoint regimental musters, as directed by law, shall forfeit and pay not less than fifty, nor more than two hundred dollars, for every failure, to be adjudged by the Court of Enquiry of the Regiment, within the limits of which he may reside.

How recoverable.

And it shall be the duty of the Colonel, in whose Regiment such failure shall happen, within thirty days thereafter, to certify the same to the President of such Court of Enquiry, whose duty it shall be to cause notice to be given to such Brigadier General; and such Court of Enquiry shall, at their ensuing session, proceed to adjudge such fine, as in other cases; saving to the party aggrieved, the

Saving appeal to executive.

right of appeal to the Executive, under the regulations herein mentioned. And the fines so imposed shall be collected and accounted for as other fines.

Brigade inspector to employ drum and fife major to attend such trainings; their compensation.

51. Every Inspector of a Brigade shall employ a competent drum and fife major, to attend the training of the officers throughout the Brigade, who shall be allowed, each, four dollars per day for their services, and four cents for every mile they must necessarily travel, to be paid in the same manner as the compensation allowed the Brigade Inspector; and the drummers and fifers of each Regiment

Regimental drummers and fifers to attend, and for what purpose.

shall be summoned by the officer, having immediate command over them, to attend the training of the

officers, to be taught the different beats and marches by the drum and fife major aforesaid, whose duty it shall be to instruct them, under the direction of the Brigade Inspector. Any drummer or fifer so attending, shall be allowed by the Regimental Court of Enquiry, a reasonable compensation for his services, not exceeding two dollars per day; and, for failing to attend the training of the officers as aforesaid, shall be subject to a fine, not less than three nor more than ten dollars, to be imposed and collected in the same manner as the fines on commissioned officers for failing to attend such training. And until a sufficient number of drummers and fifers, of buglers or trumpeters, shall be procured for each Regiment of Militia, it shall be lawful for each officer commanding a Battalion, Company, or troop of Cavalry, to employ a drummer and fifer, a bugler or trumpeter, as the case may be, to attend his musters; and the drummer and fifer, bugler or trumpeter, so attending, shall be allowed by the Regimental Court of Enquiry, to which such Battalion, Company or Troop may belong, a sum not exceeding two dollars each, for their services. And the captains of volunteer companies are hereby authorised and empowered to enlist such musicians, not exceeding six in number, as they may think necessary, for the service of their respective companies; but any musician so enlisted, shall not be entitled to any compensation unless when in actual service.

Their compensation.

Penalty for not attending.

Drummers, fifers, &c. to be employed to attend battalions, companies, &c.

Compensation.

Musicians enlisted for volunteer companies.

52. Any officer who may be guilty of disobedience, or other misbehaviour, when on duty, or shall, at any time, be guilty of any conduct unbecoming the character of an officer, shall be put under arrest by his commanding officer, and tried as hereafter shall be directed.

Arrest of officers; when authorised.

53. If any non-commissioned officer or soldier shall behave himself disobediently or mutinously, when on duty, or before any Court or Board directed by this act to be held, the commanding officer, Court or Board, may confine him for the day; and he may moreover be fined, at the discretion of the

Punishment of non-commissioned officers or soldiers for disobedience or mutiny.

Court of Enquiry, in any sum not exceeding ten dollars, to be appropriated as other fines imposed by this act.

By-standers misbehaving, may be confined for the day.

54. If any by-stander shall interrupt, molest or insult any officer or soldier, while on duty, at any muster, or shall be guilty of like conduct before any Court or Board, the commanding officer, or such Court or Board, may cause him to be confined for the day.

Penalties for breach of duty; On commandants of regiments;

55. And, for enforcing obedience to this act, the following forfeitures and penalties shall be incurred for delinquencies; *viz:* a Colonel or commanding officer of a Regiment, for failing to take an oath, to summon any Court or Board, to attend any Court or Board, to transmit any recommendation of an officer or officers to the Governor, to deliver a commission or commissions, to appoint a Battalion muster, or failing to give notice of a Regimental muster, to report delinquencies, to make returns of his regiment, as by this act directed, shall, for each and every such offence or neglect, forfeit and pay a sum not exceeding seventy dollars; for failing to send into actual service, any Militia legally called for, or to turn out his Militia upon any invasion or insurrection of his county, three hundred dollars; for failing to appear while on duty in full uniform, for each article of dress in which he may be deficient, four dollars. A Lieutenant Colonel or Major, for failing to take an oath, to summon any Court or Board, to attend any Court or Board, to give notice of any Regimental or Battalion muster, to examine his Battalion, to report delinquencies, or to make any return as directed by this act, shall forfeit and pay, for each and every offence and neglect, a sum not exceeding thirty dollars; for failing to call forth from his Battalion, with due dispatch, any detachment of men or officers, as shall be required from time to time by the commanding officer of his Regiment, or any call from the Governor, invasion of, or insurrection in his county, or requisition from any neighboring county, one hundred and fifty dollars; for failing to appear, while on duty, in full uniform,

On lieutenant colonels or majors;

for each article of dress in which he may be deficient, three dollars. A captain, for failing to take an oath, to attend any Court, to enroll his company, to appoint private musters, to give notice of a Regimental or Battalion muster, to attend any muster, to call his roll, examine his company and report delinquencies, or to allot his company into divisions from one to ten, for a regular routine of duty, or to make any returns as directed by this act, shall forfeit and pay, for each and every offence and neglect, a sum not exceeding twenty dollars; for failing to call forth such officers and men as shall, from time to time be legally called from his company, upon any call from the Governor, invasion of, or insurrection in the county, or requisition from an adjacent county, or failing on such occasions to repair to the place of rendezvous, shall forfeit and pay seventy-five dollars; for failing to make any report concerning the public arms, according to the directions of this act, a sum not exceeding fifty dollars; for failing to appear, while on duty, in full uniform, for each article of dress in which he may be deficient, two dollars. Any Adjutant who shall fail to attend any Regimental or Battalion muster, or any other meeting of the Regiment or Battalion, without having a reasonable excuse, shall forfeit and pay the sum of twenty dollars, to be assessed by the Regimental Court of Enquiry. The Quarter-master and Pay-master, the Surgeon and Surgeon's Mate, for failing to attend the Regimental muster, not having a reasonable excuse, shall forfeit and pay the sum of fifteen dollars, to be assessed in like manner. And the Sergeant-Major, for failing to attend the Regimental or Battalion musters, or the annual training of the officers, not having a reasonable excuse, shall forfeit and pay the sum of five dollars, to be assessed by the Regimental Court of Enquiry. A subaltern officer, for failing to take any oath, to attend any court or muster, armed as directed, for each and every such offence, shall forfeit and pay a sum not exceeding ten dollars; for failing to repair to the place of rendezvous, armed

On captains;

On adjutants;

Quarter-masters, pay-masters, surgeons and surgeons' mates;

On sergeant majors;

And subaltern officers.

as required, when ordered upon any call from the Governor, invasion of, or insurrection in the county, or requisition from a neighboring county, fifty dollars; for failing to comply with the directions of this act, (so far as the same relates to the public arms,) defining the duties of captains of companies, when such captain shall be absent, and the command of such company shall devolve on such subaltern, a sum not exceeding fifty dollars; for failing to appear, while on duty, in full uniform, for each article of dress in which he may be deficient, two dollars: *Provided*, that no officer shall be subject to a fine for failing to appear in uniform, until three months after he shall have qualified to his commission.

Fine for failing to appear in uniform, when incurred.

Penalty on non-commissioned officer or soldier, for failing to repair to place of rendezvous.

A non-commisioned officer or soldier for failing to repair to the place of rendezvous, when ordered, upon any call from the Governor, invasion of or insurrection in the county, or requisition of a neighboring county, shall forfeit and pay a sum not exceeding eighty dollars, to be adjudged of and determined by their respective Battalion Courts of Enquiry; and, moreover, shall be enrolled in the class destined to perform the next tour of duty.

Officers liable also, to be arrested and tried.

And moreover, the said officers, for any of the said offences, shall be liable to be arrested and tried for the same as military offenders.

Penalty on non-commissioned officer or private failing to attend muster;

Any non-commissioned officer or private, failing to attend at his Regimental, Battalion or Company muster, armed and equipped as the law directs, shall forfeit a sum not less than seventy-five cents, nor more than three dollars; and for failing to return the public arms and accoutrements, when legally required, for each and every such failure or neglect, he shall forfeit and pay one dollar.

To return public arms, when legally required;

To go into the ranks when ordered, &c.

If any non-commissioned officer or private, at any muster, shall fail to go into the ranks when required, or to perform any order given, (not having a reasonable excuse, to be judged of by a Court of Enquiry,) such non commissioned officer or soldier shall be fined in a sum not less than five nor more than ten dollars.

Fines on non-commissioned officers or privates for not appearing

If any non-commissioned officer or private shall be returned as a delinquent, in not appearing armed and accou-

tred as the law directs, the Court Martial, before whom the same shall be tried, may, if it shall appear reasonable, remit the fine incurred by him; *Provided*, every such delinquent who hath a firelock of any kind, shall make it appear that he brought the same to muster; and provided also, that the commanding officers of companies shall not return any such non-commissioned officer or private, for failing to appear with a firelock at the muster, if it shall appear manifest to him that he does not own or possess any.

armed, &c. may be remitted.

Persons not owning a firelock, not to be returned delinquent for appearing without one.

56. The artificers employed in the Manufactory of Arms in the City of Richmond, shall be embodied in one or more companies, as the Executive may direct, and be commanded by such officers as the Governor, with the advice of Council, may appoint and commission; and shall be an independent corps, and act as a guard to the Manufactory of Arms, whenever the Executive may direct or require the same; and shall be liable to the same fines and penalties, for failing or refusing to perform the duties required of them in pursuance of this act, as the officers and privates of the main body of the Militia are liable to, for failing or refusing to comply with the duties imposed on them by law. For the purpose of assessing the fines on such delinquent officers and privates, the officer or officers commanding such company or companies, shall be, and they are hereby authorised and required, to sit as members of the Battalion Courts of Enquiry held for the first Battalion of the nineteenth Regiment of Militia, and the Regimental Courts of Enquiry held for the said Regiments; and they shall make their return of delinquents to such courts, and the like proceedings shall be had in every respect, as is required by law with regard to the main body of the Militia: *Provided, nevertheless*, That nothing herein contained, shall be so construed as to require of the said company or companies of artificers, to perform any of the duties required by law as a part of the aforesaid Regiment, nor to require the performance of any duties other than those now re-

Artificers at public armory to be formed into one or more companies of militia.

Their officers duties and liabilities as such.

For assessing fines on delinquents, their officers to be members of courts of enquiry in the 19th regiment.

Proviso.

Fines so imposed, how to be collected and accounted for.

quired by law. The fines so imposed, shall be collected and accounted for in the same manner, as is prescribed by law in the case of fines imposed on the main body of Militia of this State.

Courts martial.

57. And whereas it is necessary, that certain tribunals be instituted for the trial of offences, as they are to be viewed in a military light, and for enquiring into certain delinquencies and assessing fines; the Governor or commanding officer of the Militia of this State, shall have power, for misconduct within his own knowledge, or upon complaint lodged in writing by any commissioned officer, to arrest and order a Court Martial of the State, for the trial of the Adjutant General, a Major General or Brigadier General, to be composed of one Major General, not more than four Brigadier Generals, and as many Colonels, Lieutenant Colonels and Majors, as shall make up a number not less than five, nor more than thirteen, and two supernumeraries; and such Courts Martial shall proceed to hear and determine on all offences under this act, and may censure or cashier any officer so tried; which sentence shall be final, saving an appeal to the Executive. And any Major General or Brigadier General, for misconduct within his own knowledge, or upon complaint lodged in writing by any commissioned officer, shall have power to arrest any Colonel, Lieutenant Colonel, Aid-de-Camp, Brigade Inspector and Major, or any other inferior officer; and the commanding officer of the Division shall order a Court Martial for the trial of such Colonel, Lieutenant Colonel, Aid-de-Camp, Brigade Inspector or Major, to be composed of one Brigadier General, and as many Colonels, Lieutenant Colonels, Majors and Captains, as shall make up a number not less than five, nor more than thirteen, and two supernumeraries; and such Courts Martial shall proceed to hear and determine on all offences under this act, and may censure or cashier such officer; which sentence shall be final, saving to the party an appeal to the Executive. And any Brigadier General, Colonel, Lieutenant Colonel or Major, for

For trial of adjutant general, major general or brigadier general.

Powers of such courts.

Appeal to executive.

For trial of a colonel, lieutenant colonel, aid-de-camp, brigade inspector or major.

Powers of such courts.

Appeal to executive.

For trial of a captain or subaltern.

misconduct in any Captain or subaltern, within his own knowledge, or upon complaint lodged in writing by any commissioned officer, may arrest such Captain or subaltern; and the Brigadier or commanding officer of the Brigade, shall order a Brigade Court Martial for the trial of such Captain or subaltern, to be composed of one or more field officers, and a sufficient number of Captains and subalterns to make up a number not less than five, nor more than thirteen, and two supernumeraries; and such Courts Martial shall proceed to hear and determine on all offences under this act, and may censure or cashier any officer so tried; which sentence shall be final, saving to the party an appeal to the Executive. Every person who may think himself aggrieved by the judgment of any Court Martial, shall, within ten days thereafter, file a notice in writing with the Judge Advocate, stating that he intends to appeal from such judgment, and shall, within ninety days after the filing such notice, prosecute his appeal; otherwise, the judgment of such court shall be final, as if the same had been approved by the Executive. And in all cases of appeal, the party making the appeal, may demand of the Clerk or Judge Advocate of the Court Martial, a full copy of the proceedings had thereon, to be laid before the Executive, who shall determine agreeably to the right of the case; and for obtaining the necessary evidences for the trials aforesaid, the commanding officer of the State, Division or Brigade, (as the case may be,) shall issue his summons; and every person so summoned, failing to attend, shall be subject to, and may be tried by a Court Martial, and, if an officer, may, at the discretion of the Court Martial, be cashiered, or fined, not exceeding six months' pay as by law allowed; and, if a non-commissioned officer or soldier, to be reported to the Court of Enquiry of the Regiment to which he shall belong, and be then subject to such fines and penalties, as they may think proper to inflict, not exceeding six months' pay.

Powers of such courts.

Appeal to executive.

Written notice thereof.

Within what time it shall be prosecuted.

Copy of proceedings to be furnished appellant.

Witnesses, how to be summoned.

Penalty for disobeying such summons.

Officer applied to for arrest, to judge whether offence be cognizable by court martial. Affidavit required.

58. When any application shall be made for the arrest of any officer, in all such cases, the commanding officer to whom such application shall be made, shall determine whether the offence be cognizable before a military tribunal: and in all such cases, the charge or charges exhibited against such officer, shall be supported by affidavit.

Limitation of time for arrest.

59. No officer shall be arrested for any act, of which he may be alleged to have been guilty two years previous to the application for such arrest.

Conviction of felony, &c. to annul commission of convict.

60. If any militia officer shall be convicted of felony, or of any misdemeanor punishable by confinement in the Penitentiary-house, or by stripes, or of perjury or forgery, such conviction shall completely supersede and annul his commission, and the office which he filled shall be deemed vacant.

Court martial to appoint clerk or judge advocate.

61. Whenever a Court Martial shall be convened for the trial of any commissioned officer, it shall be lawful for such court to appoint such person as the members thereof may think fit, to act as Clerk or Judge Advocate; and the Clerk or Judge Advocate so appointed, shall receive a compensation for his services, not exceeding ten dollars *per diem*, to be judged of by the court before whom he shall have rendered the same, and to be paid out of the contingent fund. And where any appeal is taken from the decision of a Court Martial, the said court shall make a reasonable allowance to the Clerk or Judge Advocate, for the copy of the proceedings of the said court, to which the party making the appeal is by law entitled, to be paid in like manner out of the contingent fund: *Provided, however*, That the said allowance shall not be paid, except upon production of the receipt of the party for the copy of the said proceedings.

His compensation.

Allowance for copy of proceedings where appeal is taken.

Proviso.

Not more than three witnesses to one fact to be paid by commonwealth.

62. And whenever a Court Martial shall hereafter convene, for the trial of any commissioned officer, it shall not be lawful to summon more than three witnesses to depose to the same fact; and if more be summoned, their attendance shall be paid by the party at whose instance they shall attend.

63. The said Courts Martial shall, in the trial of any officer, proceed according to the rules and articles of war, as established by a resolution of Congress; except, when any officer shall be tried for any offence, committed while not in actual service, the officers convened for his trial, shall, instead of the oath prescribed by the said articles, take the following, viz.: *I, A. B. do swear, that I will well and truly try and determine, according to the evidence, the matter now depending between the Commonwealth of Virginia, and C. D., under arrest; and that I will duly administer justice, according to law, to the best of my knowledge, without partiality, favour or affection; nor will I upon any account, at any time whatsoever, discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof, as a witness, by a court of justice, or in due course of law. So help me God.* Which said oath shall be administered by the Judge Advocate, to all the members of the Court Martial; and the president of such court shall thereupon administer the following oath to the Judge Advocate, to wit: *You, A. B., do swear, that you will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of the Court Martial, unless required to give evidence thereof, as a witness, by a court of justice, or in due course of law. So help you God.*

Rules by which courts martial shall proceed.

Oath to be taken on trial of officer for offence committed when not in actual service.

By whom administered.

Judge advocate's oath.

64. Officers attending a Court Martial for the trial of any arrested officer, shall receive the sum of three dollars, each, for every day they shall so actually attend; and one day shall be allowed for every twenty miles they shall necessarily travel in going to and returning from the place appointed for such trial. And the persons appointed to summon a Court Martial, and the witnesses to attend the same, shall receive as a compensation, eight cents for every mile they shall necessarily travel, in summoning such court and the witnesses. And every witness summoned and attending, shall be allowed one dollar and six cents *per diem*, for attendance,

Compensation to members of such court.

To persons summoning members and witnesses.

To witnesses.

and eight cents per mile for travelling to such court,
Attendance how certified and paid. and the same for returning. Which attendance of the said officers and witnesses shall be certified by such court, if any shall be holden; if not, by any five officers summoned to attend as aforesaid, and paid out of the contingent fund.

Battalion courts of enquiry, 65. There shall be Battalion Courts of Enquiry, to be appointed by the commanding officer of the Regiment, to which the Battalion is attached, for the assessment of fines incurred under this act in
When and how constituted. such Battalion; and such Courts of Enquiry shall be held within not less than ten, nor more than fifteen days after the Battalion musters, and to consist of the commanding officer of the Battalion and the commanding officers of companies, or a majority of them, who shall take the following oath, to be administered by the presiding officer, and afterwards, by any other officer of the said court, to him, to wit:
Oath of members. *I, will truly and faithfully enquire into all delinquencies, which appear on the returns to be laid before me, and will assess the fines thereon as shall seem just, without favour, partiality, or affection. So help me God.*

The commanding officer of the Battalion shall then lay before the said court, all delinquencies, as directed by this act; whereupon they shall proceed
Regimental courts of enquiry. to hear and determine. And there shall moreover be a Regimental Court of Enquiry in each year, for the assessment of fines incurred by the officers of
When and how constituted. the Regiment. And such Court of Enquiry shall be held by appointment of the commanding officer, within fifteen days after the last Battalion Court of Enquiry; to consist of the commanding officers of the Regiment, Battalions and Companies, or a
Oath of members. majority of them, who shall take an oath in manner and form as prescribed above: the commanding officer of the Regiment shall then lay before the said court, all delinquencies as directed by this act: whereupon they shall proceed to hear and
Returns of delinquent officers, failing to attend such courts. determine. It shall be the duty of the presiding officer of each and every such Court of Enquiry, to return to the next Regimental Court of Enquiry,

all delinquent officers failing to attend the preceding court; and such Regimental Court may, for good cause shewn, remit or moderate any fine imposed by the two preceding Battalion Courts, or the preceding Regimental Court of Enquiry. The said court may also exempt any Militia-man from duty, on account of bodily infirmity, and may again direct such person to be enrolled, when able to do duty.

Power of regimental courts to remit or moderate fines.

To exempt from duty on account of bodily infirmity, &c.

66. Whenever a Regimental or Battalion Court shall be prevented from being holden, within the time now limited by law, by bad weather, or other unavoidable accident, the commandant of any such Regiment or Battalion, as the case may be, is hereby authorised to appoint another day for holding such Regimental or Battalion Courts: *Provided*, such day shall not be within less than ten days, nor more than twenty days, after the days last appointed for holding such courts. And, if a sufficient number of officers shall again be prevented from attending, it shall be lawful for such Commandant to renew his appointment, from time to time, as above directed; reasonable notice being given to the officers and privates of such Regiment or Battalion, of the time and place of holding such courts.

Provision where court of enquiry is prevented by bad weather, &c.

Proviso.

Appointments renewable from time to time.

67. No fine prescribed by law, for neglect, or breach of duty, of the commanding officer of a Regiment, shall be imposed by the Court of Enquiry for the Regiment commanded by such officer. But, it shall be the duty of the Brigadier General, within whose command such officer may be, whenever he shall know of any such neglect or breach of duty, or whenever he shall be informed thereof by any written statement, signed by any officer, to cause the matter, without delay, to be laid before the Regimental Court of Enquiry, for some adjoining Regiment, and to give notice to such commanding officer, that his case will be submitted to such Court of Enquiry. That there may be no delay in the decision of the said court, the Brigadier General shall, at the time of giving notice to the

Fines on commandants of regiments, how to be imposed.

Duty of brigadier general in relation thereto.

said commanding officer, also notify the commanding officer of the said adjoining Regiment, in order that he may summon the necessary witnesses, or direct the clerk of the Court of Enquiry to do so. And the court last mentioned shall have full power and authority, to hear and determine thereupon, according to law. If the sentence of such court shall inflict a fine, it shall be the duty of the clerk of such court, forthwith to certify such sentence, and deliver it to the sheriff of the county in which the officer fined may reside, and to certify such sentence also to the Auditor.

Duty of clerk of the court imposing such fine.

Surgeon and surgeon's mate to attend regimental courts. Fine for failure.

68. It shall be the duty of the Surgeon and Surgeon's mate to attend the Regimental Courts of Enquiry; and for failure thereof, he shall be fined in a sum not exceeding ten dollars, to be assessed and collected as other fines.

Clerk and provost martial to regimental court, how appointed. Tenure of office.

Clerk's duties.

69. The respective Regimental Courts of Enquiry, where it has not already been done, shall, at their first court to be held under this act, appoint by ballot, a Clerk and Provost Martial, who shall be removable at the pleasure of the said court, and who shall attend the courts herein before directed to be held. Such clerk shall keep a fair record of the proceedings of such courts, as also of the roster returned by the several captains or commanding officers of companies for regular routine of duty, and shall make out for the sheriff, a fair list of the fines assessed by the Regimental and Battalion Courts, and one other list, which shall be transmitted to the Auditor, on or before the first day of September next, after such Regimental Court of Enquiry was holden in each year, and do all other duties required by this act, and together with the Provost Martial, shall receive such allowance, to be paid out of the fines, as the court shall think reasonable; not exceeding to the clerks, ten dollars for each day they shall attend the said courts, and five dollars for each list of fines they shall make out, as required by law; and not exceeding to the Provost Martial, three dollars for each day he shall attend the Courts of Enquiry.

Lists of fines for sheriff and auditor. List, when to be transmitted to auditor.

Compensation to clerk and provost martial.

70. It shall be the duty of the clerks of the several Courts of Enquiry, to transmit to the Auditor of Public Accounts, on or before the first day of September in each year, a certified copy of the sheriff's receipt for each list of Militia fines, put into his hands for collection, together with a copy of such list; and such certified copy of the sheriff's receipt, shall be evidence on a motion against him for such fines.

Clerks to send auditor copies of sheriff's receipts for lists of fines, and of such lists; and when.

71. The clerk of each Regimental Court of Enquiry shall be, and he is hereby required to return to the Auditor of Public Accounts, a list of all claims upon the militia fine fund allowed by their respective courts, within thirty days after their adjournment. It shall not be lawful, hereafter, for the clerk of any Regimental Court of Enquiry, to grant any duplicate certificate of any allowance, made by the court, to any person having a claim to be paid out of the militia fine fund, unless such court upon satisfactory proof made to them, by the oath of the party or otherwise, that the original certificate hath been lost or destroyed, not having been paid, shall order a duplicate thereof to be issued. Every duplicate, issued in pursuance of such order, shall shew, upon the face thereof, that it is a duplicate issued by order of court. If any clerk shall issue any duplicate, otherwise than is herein provided, he shall forfeit and pay, for every such offence, a fine of one hundred dollars, to be recovered, by motion, in the General Court, upon reasonable notice thereof.

Clerks of regimental courts to return lists of claims allowed on Militia fine fund; and when.

Duplicate certificates of such allowances, not to be granted, but by order of court.

Such duplicates how to be expressed.

Penalty for breach of this regulation.

72. Every clerk of the Courts of Enquiry, shall take an oath faithfully to execute his duty, to be administered by the president of the court, before such clerk shall proceed to act as such; and every such clerk failing to furnish the sheriff, serjeant, or other collector of his county or corporation, with a list of the fines due within his bailiwick, corporation or district, or to certify the list to the Auditor of Public Accounts, as directed by law, shall be subject to a fine of fifty dollars for every failure; and it shall be the duty of every Colonel, to certi-

Clerk's oath of office.

Penalty for not furnishing lists of fines to sheriff, &c. or not certifying such lists to auditor.

Colonel to

certify clerk's name; and when.

fy to the Auditor, within ninety days after the meeting of his Regimental Court of Enquiry, annually, the name of the clerk of such Court of Enquiry. And every Colonel failing herein, shall forfeit and pay the sum of fifty dollars for every failure. And it shall be the duty of the Auditor of Public Accounts, to certify every such failure of a clerk, to the Colonel of the Regiment wherein the same happened, to be by him laid before the next Regimental Court of Enquiry, who shall proceed to adjudge such fine against the delinquent, as in other cases; and the fines so imposed, shall be collected and accounted for as other fines are by law directed.

Penalty for neglect.

Auditor to certify clerk's failure to the colonel, to be laid by him before the regimental court.

Fines collected by sheriff.

73. All fines to be assessed, by virtue of this act, shall be collected by the sheriff of the county; and to enable him to make such collection, the clerks of the Courts of Enquiry shall make out tickets of fines, in the same manner that county court clerks do for their fees; which shall be delivered to the sheriffs, on or before the first day of May in every year; but no fine imposed at any court of enquiry, shall be put into his hands before a subsequent court of enquiry shall have intervened; the sheriff shall give his receipt therefor, and, having deducted a commission of six *per centum*, shall account for, and pay the residue into the public treasury, on or before the fifteenth day of December next thereafter, under the same penalties, and subject to the same mode of recovery, as are prescribed by law with respect to the collection of the taxes. And should any person so charged with fines, fail to make payment, on or before the first day of May in any year, the sheriff is hereby authorised to make distress and sale therefor: *Provided, nevertheless,* That the commanders of regiments shall have power, for good cause shewn, and where it shall appear, that any non-commissioned officer or private, had it not in his power to attend the regimental court of enquiry, to offer his excuse, to suspend the collection of said fine, until the next regimental court of enquiry, by a written order to

Clerks to make out tickets of fines. When to be delivered to sheriff.

Commission for collection. Payment into the treasury, when.

Penalties, and mode of recovery, for non-payment.

Distress and sale for fines, when.

Power of commandant of regiment to suspend collection.

the clerk of such court, or to the sheriff, as the case may be: *Provided*, such application is made before the first day of March next, after the said fine shall have been imposed: which said regimental court of enquiry shall order and adjudge, as if such excuse had been offered in due time. And it shall be the duty of the sheriffs, having, at the next preceding county court, advertised the same at the door of the court-house, to return to the Regimental Courts of Enquiry, such of those tickets, as, by reason of insolvencies, or other causes, they could not collect, to be examined by the said court, who shall judge of such insolvencies, and shall direct their clerk to certify a part or the whole of such list, as to them shall seem just: and where it shall appear to such Courts of Enquiry, that any of the tickets returned were not collected in consequence of the removal of such delinquent, it shall be the duty of the Colonel to transmit the said tickets to the sheriff, in whose county such delinquent or delinquents may reside, for collection: *Provided*, the Regimental Court of Enquiry shall make an order, on the minute book of their proceedings, to that effect. A list of all such fines, so to be transmitted by the Colonel, shall by the clerk be certified to the auditor of public accounts, together with the receipt which shall be taken by the Colonel from the sheriff, to whom such tickets were given for collection; which receipt shall be good evidence, whereupon to charge the sheriff therewith; and such sheriff shall be liable for, and proceeded against, in like manner as for other militia fines now directed by law. When any Colonel shall fail or neglect delivering such tickets, taking a receipt and transmitting the same to the auditor of public accounts, being instructed so to do, as before directed, by the Regimental Court of Enquiry, he shall for every offence forfeit and pay a sum not exceeding fifty dollars, to be adjudged by the Regimental Court of Enquiry.

Proviso.

Insolvent tickets to be advertised at court-house door, and returned to regimental court.

Power of such court in relation thereto.

Colonel's duty to transmit tickets, where delinquents have removed.

Proviso.

Clerk to certify to auditor list of fines so transmitted, and sheriff's receipt.

Such receipt evidence to charge sheriff.

Penalty on colonel for neglect.

74. The clerks of the respective Courts of Enquiry in the Commonwealth, shall, at the two successive courts for their county next following each

Duty of clerks to set up at court-house door, lists of

tickets returned by sheriff as insolvent, &c. and allowed by the court of enquiry.

Regimental Court of Enquiry, set up, at the front door of the court-house, in alphabetical order, a fair and distinct list of all the tickets which may be returned by any sheriff, as insolvent, removed or otherwise, and which may be allowed by said court, and shall note, in such list, against every man's name, the sheriff's return on such ticket.

Compensation for so doing.

75. Each clerk of the respective Courts of Enquiry, shall be entitled to and receive, for every list so made out and set up as before directed, a sum not exceeding four dollars; and shall, for every failure thereof, forfeit and pay a sum not exceeding thirty dollars, to be adjudged and collected as other Militia fines.

Penalty for neglect.

When collection of fine may be suspended by order of commandant of regiment.

76. If any officer, non-commissioned officer, or private in the Militia, shall heretofore have been fined, or shall hereafter be fined by the sentence of any Court of Enquiry, for any alleged failure of duty, and for want of notice of such fine or by any other sufficient cause, he shall have been prevented from applying to the next succeeding Regimental Court of Enquiry for a remission thereof, it shall be lawful for the commanding officer of the Regiment, upon the application of the person fined, and upon good cause shewn by affidavit, at any time before the fine shall have been paid, to suspend the collection thereof, by a written order to the clerk of such court, or to the sheriff, as the case may be; and the next succeeding Regimental Court of Enquiry shall have full power to remit such fine, if it shall appear to them just and proper so to do. The order of the commanding officer, directed as aforesaid to the sheriff, shall be a sufficient voucher to entitle him to a credit, on his settlement with the Auditor: *Provided*, That the authenticity of such order be certified by the court of the county, in which the sheriff may reside. When the collection of any fine shall have been suspended by the commanding officer, as is provided for by this act, and the succeeding Regimental Court of Enquiry shall not have remitted the same, it shall be the duty of the clerk of such court, to insert such fine in the

Power of next regimental court to remit fine so suspended.

Commandant's order, to entitle sheriff to credit with auditor.

Authenticity of such order, how certified.

Clerk to insert such fine, if not remitted, in next list to be delivered to sheriff.

next list which he shall deliver to the sheriff, to be collected and accounted for in the same manner, as if the collection had never been suspended.

77. If any person, on whom any fine shall be imposed, shall not have any visible property, it shall be lawful for the sheriff to attach the effects or money of such delinquent in the hands of any person; and it shall be lawful for such garnishee, to satisfy and pay the amount due on account of such fines; and it shall be a discharge for so much against such delinquent; but, if he shall refuse or fail to pay the said amount, it shall be the duty of such sheriff, to summon such garnishee before the nearest justice of the peace for such county, informing him the precise time he shall appear; and if he shall appear, and on oath confess, that he has effects in his hands, or stands indebted to such delinquent, sufficient to satisfy such fine and costs, or if he shall fail to appear, it shall be lawful for the said justice, to award execution against such garnishee, for the amount thereof, or so much as shall appear to be in his hands, including sixty-three cents as a fee to such sheriff: *Provided*, That, before such justice shall award any execution for default, he shall require an oath, that such garnishee was duly informed of the time of such application.

Where effects or money of delinquents in hands of others may be attached for fines.

How garnishee may be compelled to pay.

Sheriff's fee.

Proviso.

78. The sheriff of each county shall, on or before the first day of October in every year, pay and satisfy all drafts of the Colonel or commanding officer of the Regiment, drawn as herein-after directed, for any purpose authorised by law; and, on failure so to do, the court of the county, whereof he is sheriff, shall be and hereby are, empowered and required, on motion of the Colonel or commanding officer of the Regiment, to render judgment against the said sheriff, his executors or administrators, for the amount of such draft, with the costs of the said motion; upon which judgment, execution shall issue, be endorsed and proceeded on, in like manner as executions are directed by law, in other cases against delinquent sheriffs:— *Provided*, where it shall so happen, that the sheriff of any county shall be commanding officer of a

Drafts of commandants of regiments when payable by sheriffs.

Remedy against sheriff for non-payment.

Proviso, where sheriff is comman-

dant of regiment.

Regiment therein, the officer next in command shall proceed as herein particularly directed.

Accounts when to be rendered by commandants of drafts by them.

79. The commanding officer of every Regiment shall, on or before the first day of December, in every year, render to the county or corporation court, an account of all the drafts made by him on the sheriff or collector for such requisites as under this act he is authorised to purchase or procure; specifying therein, the particular articles for which such drafts were given; and the passing of such account, by the court, shall exonerate such officer from any claim by the Commonwealth.

Collector of fines, how exonerated from amount thereof.

Where tickets not delivered to sheriff in due time, succeeding sheriff to collect.

80. If it shall have so happened, that tickets of fines have not in due time been delivered to the sheriff for collection, any succeeding sheriff shall, and he is hereby directed to receive such tickets, and shall collect and account for the same in like manner with other fines placed in his hands for collection.

Militia fine fund, how appropriated.

81. Whatever fines shall be thus paid into the public treasury by virtue of this act, shall be held as a fund for defraying the salaries of the officers herein-after mentioned, and equipping and furnishing the Militia with all necessary apparatus, for the defence and security of the State; and the treasurer shall keep a separate book for the same and the expenditure thereof.

Separate book for that fund.

Provision where fund arising from fines in any regiment is insufficient to pay drafts upon it.

82. In all cases where the fund arising on Militia fines, in any Regiment of Militia in this State, shall not be sufficient for the payment of any draft or drafts herein-after to be made by the Commandant of such Regiment, in favor of any Adjutant, Clerk of Courts of Enquiry, Provost Martial, or Musician, in such Regiment, the same shall be paid out of any money in the treasury arising from Militia fines.

Set of colors for each regiment and battalion.

83. The colonel, or commanding officer of the Regiment, shall cause to be purchased, out of the money arising from the fines, a set of colors for each Regiment, and also a set of colors for each Battalion: he shall also procure in like manner, for each company, a drum and fife, or bugle horn; and

Drum and fife or bugle horn.

on the colors and drums, shall be marked the number of the Regiment and the Battalion, together with the name of the county to which they belong.

Credits for drafts and insolvencies to be allowed sheriff.

84. And whereas sundry charges and expenses are authorised herein: *Be it enacted*, That the sheriff having a draft or drafts from the Colonel, or commanding officer of the Regiment, shall be authorised to discharge the same; for which, as well as all insolvencies duly certified by the Clerk of the Court of Enquiry, he shall be allowed on a settlement between the auditor and sheriff.

Governor with advice of council to call out militia, on invasion or insurrection, &c. And appoint quarter-masters, commissaries, and other staff, &c.

85. The Governor, with the advice of Council, shall be authorised and empowered, on an invasion or insurrection, or probable prospect thereof, to call forth such a number of the Militia, and from such counties, as they may deem proper; and for the accommodation, equipment and support of the Militia, so at any time to be called forth, the Governor, with the advice aforesaid, may appoint such Quarter-masters, Commissaries, and other staff, as to him shall seem proper, and fix their pay and allowances; and shall also take such measures, for procuring, transporting and issuing all orders which may be necessary, as to him shall seem best. Orders for the militia to be called forth as aforesaid, shall be sent to the commanding officers of brigades, or to the commandants of regiments, or in such other manner as may be deemed expedient, with a notification of the place or places of rendezvous; who shall immediately take measures for detaching the same, with the necessary number and ranks of officers, by detail and rotation of duty.

Orders, to whom to be sent.

Where executive may detach such officers, as they may think proper, from counties called upon.

86. And if it shall appear to the Executive, upon calling forth the Militia as aforesaid, that the necessary number and ranks of officers will not attend the detachments, for officering them at the places of rendezvous, the Governor with the advice of Council, is hereby authorised and required to appoint such officers as may be necessary, from the counties called upon, as they may think proper, to join the detachments so raised. If a sudden invasion shall be made into any county of this Com-

Where county commandant may call

out militia in his county.

monwealth, or in case of an insurrection in any county, the commanding officer of the Militia in such county is hereby authorised and required to order out the whole, or such part of the Militia, as he may think best, for repelling such invasion, or suppressing such insurrection; and shall call on the commanding officers of regiments in the adjacent counties for such aid as he may think necessary; who shall forthwith in like manner furnish the same.

And call for aid from adjacent counties.

His duty to communicate such call to the Executive.

87. Whenever the commanding officer of the Militia in any county, shall call out such Militia or any part thereof, in pursuance of law, he shall forthwith communicate such call to the Executive of this Commonwealth, with a correct statement of the number and description of the force so called out, and the causes thereof; in order, either that the Executive may sanction the call, or that the commander in chief may disband the whole, or any part of the force so called out, or that such other measures may be taken as the public good may require.

Their powers thereupon.

Camp equipage, how to be procured, for detachments of militia.

Of what articles to consist.

How to be valued.

Commanding officer accountable.

To deliver to quarter-master, &c. or return to owner when tour is over.

The Colonel or commanding officer of Regiments, from which detachments are drawn, shall cause to be procured by impressment, or otherwise, for each company or detachment, the necessary and proper camp equipage, to consist of one camp kettle for every six, and one axe and spade for every twenty men; with one waggon and team for every eighty men, or as nearly as may be in that proportion. The said camp equipage, having been first valued by two or more freeholders on oath, shall be delivered to the commanding officer of the company or detachment, who shall be accountable for the same, and shall either deliver it, taking a receipt therefor, to the Quarter-master, or other officer authorised to receive it, at the post or place where the company or detachment shall have served, or been discharged, or shall return it when his tour is over, and in the latter case, the articles aforesaid shall be returned to the owner or owners, who shall be allowed for the use of the same whatever sum shall be adjudged by the Regimental Court of En-

Compensation for use, how adjudged.

quiry of the Regiment, within the bounds of which the articles were procured; and if any articles procured by virtue of this act, shall be turned over to the Quarter-master, or other officer authorised to receive them, at the post or place where the company or detachment was discharged, or shall have been lost in the service, the owner or owners, on the receipt of the Quarter-master, or other officer, or the certificate of the officer commanding the company or detachment, that any article or articles were lost in the service, being laid before the said court, the value thereof shall be allowed with legal interest thereon, from the time of the valuation, till paid, without any allowance for the use of the said articles; and the said allowance shall in all cases be certified to the auditor of public accounts. The said court shall also make enquiry as to the cause of any such loss, and, unless it shall be satisfied, that such loss was not occasioned by the misconduct or inattention of any officer, under whose charge it may have come, it shall proceed to fine such officer, in an amount at least equal to the value of the article or articles so lost. Any officer commanding a company or detachment, who shall fail to return to the Regimental Court of Enquiry next succeeding the expiration of his tour of duty, a receipt or certificate, shewing in what manner any camp equipage to him delivered, had been disposed of or lost in the service, may be fined by such court in an amount equal to the value thereof; and the value of his, her or their article or articles, may thereupon be allowed by the court to the owner or owners of such camp equipage. Whenever a Regiment, or any part thereof is called out by the Colonel or commanding officer, in case of invasion or insurrection, camp equipage may be procured as aforesaid; but, in such cases, it shall, when the Regiment, or such part as may be called out, is discharged, be returned to the owner or owners.

Value of articles not returned, with legal interest thereon, how allowed and certified.

Enquiry as to cause of loss, and fine imposed on officer chargeable.

Officer to return to regimental court, receipt for camp equipage, or certificate shewing how lost.

Fine for neglect.

88. Whenever any Militia shall be called forth into actual service as aforesaid, or shall be enlisted for a fixed period to guard any arsenal or other

Militia, when to be governed by articles of war.

public property, they shall be governed by the articles of war, which govern the troops of the United States; and Courts Martial shall be held as therein are directed, to be composed of Militia officers only, for the trial of any person in the Militia; but to the cashiering of any officer, or capital punishment of any person, the approbation of the Executive shall be necessary; and, when any Militia shall be in actual service of the State, they shall be allowed the same pay and rations, as are allowed by law to the troops of the United States. And whenever any Militia in the service of this State, shall be disbanded, they shall be allowed to draw money in lieu of the rations to which they may be entitled, to be commuted at a fair price, which shall be ascertained, wherever practicable, by the contract price; and wherever not so practicable, it shall be regulated by the Quarter-master general.

Courts martial for trial of militia, to consist of militia officers only.

For cashiering, or punishing with death, approbation of executive necessary.

Pay and rations in actual service.

Commutation for rations, when allowable and how ascertainable.

89. No proceedings shall hereafter be had, in any suit, either at law or equity, or on any writ of *fieri facias*, or other execution, against the person or property of any person or persons, who may be called by draft from the Militia into the military service of the United States, or of this State, or against his or their security or securities, from and after the time when such person or persons shall be ordered to the place of rendezvous, until his or their term of service shall have expired. And, if any such writ of *fieri facias*, execution, or other process, shall issue contrary to the true intent and meaning of this act, it shall be the duty of the sheriff, or other officer, charged with the execution thereof, to suspend, or of the court from which such *fieri facias*, execution or other process issued, to order to be suspended, all further proceedings thereon: *Provided, nevertheless*, That nothing herein contained shall be so construed, as to apply to the security or securities of any sheriff, serjeant, coroner, constable, guardian, executor or administrator, or committee of an idiot or lunatic, or other person of unsound mind, or as receiver or trustee under an order or decree of any court of equity.

Proceedings in suits, or on executions, against drafted persons and their sureties, suspended; and how long.

Exceptions, as to sureties in sundry cases.

90. *And provided also,* That the benefit of this act shall not extend to any person or persons employed in the military service of the United States, or of this State, and who shall have received the money of any other person or persons, as attorney, sheriff, serjeant, coroner, constable, guardian, executor or administrator, or committee of an idiot, lunatic, or other person or persons of unsound mind, or as receiver or trustee under an order or decree of any court of law or equity, their security or securities.

Exceptions, applying to persons indebted for money received by them for others.

91. If any person or persons shall have any claim, demand, or matter of controversy existing and depending, between him or them and any person or persons who hereafter may be in the military service of the United States or of this State, he, she, or they are hereby authorised and empowered, after pursuing the course heretofore directed by law in such cases, to take the deposition or depositions *de bene esse* of any witness or witnesses which he, she or they may deem material to the final establishment or adjustment of such claim, demand, or matter of controversy, to be read as evidence in any suit or suits, which now do or hereafter may exist in consequence of such claim, demand or matter of controversy, between the parties aforesaid, in case such witness or witnesses should be unable to attend.

Depositions *de bene esse* may be taken, notwithstanding such suspension.

92. The provisions last aforesaid, shall not extend to any person or persons, who may be called into the military service of the United States, or of this State, in the manner aforesaid, and shall have employed a substitute to perform his or their tour of duty; nor shall the said provisions extend to any person or persons, who shall enter the military service of the United States, or of this State, as a substitute: *And provided, also,* That nothing contained in this act shall, in any manner, prevent the granting or re-instating of an injunction against any person whatever.

Proceedings not to be suspended against persons who have furnished substitutes;

Nor against the substitutes;

Proviso, as to granting or re-instating injunctions.

93. Each Brigade Inspector shall be allowed eight dollars, for every day he shall attend the

Pay and mileage of brigade inspector.

training and regimental musters, and ten cents for every mile he shall necessarily travel in going and returning; which shall be certified by the commanding officer of each Regiment, and paid by the treasurer, on warrant from the auditor, out of any money in the treasury. But, he shall charge mileage only for one circuit through the Brigade; and it shall be the duty of the Brigadier General, so to arrange the training of the officers and regimental musters, as to render only one circuit necessary: *Provided nevertheless*, That such Inspector shall be entitled to receive not less than one hundred dollars for his services.

How certified.

Mileage for one circuit only, through the brigade.

Proviso.

Officer to be appointed where brigade inspector fails to attend.

94. And if he shall fail to attend at any time, it shall be lawful for such commandant, to appoint some officer to perform the duties required of such Brigade Inspector, who shall receive the same compensation *per* day, and which shall be certified in the same manner, as is herein-before directed, in the case of the Brigade Inspectors, for their attendance; and the said Brigade Inspectors shall, moreover, be liable to a fine of twelve dollars for every day they shall fail to attend, without having a reasonable excuse.

Fine for not attending.

Penalties on brigade inspectors, how imposed.

95. And for the purpose of ascertaining what tribunal shall have power to award judgment for penalties herein imposed on Brigade Inspectors, for a failure of duty, it shall be the duty of the commanders of Regiments, wherein any delinquency shall take place, or the Adjutant General, where any Brigade Inspector shall fail to make his return as herein directed, to inform the Brigadier General commanding such Brigade, thereof; who shall thereupon lay the same before the Regimental Court of Enquiry, within the bounds of which such Brigade Inspector shall reside; and it shall be the duty of such court, to direct that notice be given to him to appear at the next succeeding Regimental Court of Enquiry; at which, if such notice has been given, the matter shall be determined as in other cases of delinquencies; which fines shall be collected and accounted for, as other fines.

96. All arms, ammunition and equipments of the Militia, shall be exempted from executions and distresses at all times, and their persons from arrest and process in civil cases, while going to, continuing at, or returning from musters, and while in actual service. Arms, &c. of militia, exempted from executions and distresses. Their persons, when exempt from arrest and process.

97. The Militia of the City of *Williamsburg*, City of *Richmond*, and Borough of *Norfolk*, shall have their officers appointed, and be under the same rules and regulations as the different counties. Militia of Williamsburg, Richmond and Norfolk, how officered, &c.

98. The fines and penalties incurred by infants and apprentices, for the breach or neglect of their duty in any particular service by law required of them, shall be paid by the parent, guardian or master. Fines incurred by infants and apprentices, by whom payable.

99. It shall be lawful for the Colonels, and they are hereby required, to appoint a regimental staff, to consist of one Adjutant, one Quarter-master, one Pay-master, one Sergeant-major, and one Quarter-master Sergeant, one Surgeon, and one Surgeon's Mate; and it shall be the duty of the Adjutant to attend the several Regimental and Battalion musters, as also the meeting of the officers within his Regiment, to assist in the necessary training of the Militia; and he shall receive for such service, such compensation as shall be adjudged and allowed by the Regimental Court of Enquiry, not exceeding six dollars for each day he shall attend the Regimental and Battalion musters and training of the officers of the said Regiment, to be paid by order of the commanding officer of the Regiment, out of the fines to be collected by virtue of this act. And it shall also be the duty of the Sergeant-major to attend the Regimental and Battalion musters, and the training of the officers; and he may be allowed by the Regimental Court of Enquiry, a compensation for his services, not exceeding two dollars per day, for each day he may attend the Regimental and Battalion musters, and for each time failing to attend, shall forfeit and pay five dollars, to be assessed by the Regimental Court of Enquiry. Colonels to appoint regimental staff. Adjutant's duty and compensation. Sergeant major's duty and compensation. Penalty against him for failing to attend muster.

100. And whereas inconveniences have arisen, from the want of a safe and speedy conveyance of orders, from the Major and Brigadier Generals, to the commanding officers of corps, respecting the Militia of this Commonwealth; for remedy whereof; *Be it enacted*, That the Major Generals and Brigadier Generals are hereby empowered and authorised to employ some person, within their respective districts, to convey all such orders, and* shall receive such compensation as the Court of Enquiry of the Regiment, in which district† he shall reside, shall think proper, not exceeding three dollars per day, on his producing a certificate to the court, of his having discharged the said services. And it shall be the duty of the Auditor, by order of the Executive, to issue his warrant on the fund arising from Militia fines; and the Treasurer shall pay the amount thereof: but in case of extraordinary service, the Executive, upon the certificate of the officer employing such expresses, may allow such additional compensation, as they may judge reasonable.

Majors and brigadier generals authorised to employ persons to convey orders. Compensation, how ascertained and paid.

Executive may make addition for extraordinary services.

101. In all cases where the Adjutant of a Regiment, or other person, has been, or hereafter may be, sent on an express by the Commandant of a Regiment or Battalion, or other Militia officer authorised to employ an express, in consequence of any general order such Commandant or other officer may have received, or in discharge of any duty appertaining to their respective commands in the Militia, and there shall not have been, or hereafter may not be, sufficient funds arising from Militia fines in the Regiment to which the person so employed as an express belongs, to defray the expense of such express, then, and in that case, the allowance made such express, shall be paid out of any money in the treasury, arising from Militia fines.

Allowances made to expresses sent by commandants of regiments, &c. when payable out of treasury.

102. All officers and soldiers failing to attend any call or meeting of any Regiment or Battalion, when required by the commanding officers thereof, upon

Fines for failing to attend calls or meetings of regiments, &c. on requisitions for quotas of troops.

* "And," in the roll, instead of "who." † So in the roll.

any requisition from the Governor, Major General or Brigadier General, for any quota of troops, shall be subject to the same fines and penalties, as for failing to attend Regimental or Battalion musters.

103. And whereas by the present mode of distributing the public arms amongst the Militia, the Commonwealth has sustained great loss by destruction and injury done to a number of the arms; and it is found by experience, that they cannot be preserved fit for service, if they are distributed as aforesaid: *Be it therefore enacted*, That it shall be the duty of the Executive of this Commonwealth, if it hath not already been done, to select and purchase three proper situations for arsenals, one on the western side of the *Alleghany*, and two on the eastern side thereof, above the City of *Richmond*, and to have the same inclosed in such manner, and such buildings erected for the preservation of the arms, and such fortifications made for the defence of the arsenals, as, in their opinion, shall appear expedient.

Executive to select and purchase three situations for arsenals; and where.

To erect proper inclosures and buildings, and fortifications.

104. Each of said arsenals shall be large enough to contain twenty thousand stand of arms complete; and the Executive may have either of them built first, as circumstances may, in their judgment, require; but that which is first erected, is to be supplied with the twenty thousand stand of arms, and the guards herein mentioned, before another is commenced; and each successive arsenal shall be supplied with arms and guards aforesaid, before the expense of commencing or building another shall be incurred.

Dimensions of arsenals.

Discretion as to which arsenal may be first built.

When to be supplied with arms and guards.

105. The Executive shall commission one Captain and cause any number of privates, not exceeding twenty-eight, two musicians, and one sergeant, to be enlisted for each arsenal, for a term not exceeding five years, for the purpose of guarding and keeping said arms in good order, and erecting said fortifications; which said officers and men shall receive such pay and allowances, as the troops of the United States are now allowed by law, and be subject to the rules and articles of war provided by Con-

Captain to be commissioned.

Privates, &c. enlisted for each arsenal.

Term of service.

Duty, pay and allowances.

gress, for the government of the troops of the United States.

Captains to act as pay-masters.

106. The said captains shall perform such duties as pay-masters to their respective corps, as the Executive shall from time to time direct; and for their

Compensation as such.

services as such shall be severally allowed the additional compensation of ten dollars per month.

To give bond and security.

They shall respectively enter into bond with sufficient security, to be approved of by the court of the county in which the arsenal shall be situated, and there recorded, in the penalty of ten thousand dollars, payable to the Governor or Chief Magistrate, for the time being, and his successors in office, and conditioned for the faithful discharge of their

Such bonds how suable.

duties as pay-masters. And the Executive may direct the said bond to be prosecuted, from time to time, for the use of the Commonwealth, to recover all such damages as the Commonwealth may sustain by reason of any breach of the condition thereof.

Arms to be taken from militia, and deposited in arsenals.

107. When an arsenal is finished, and the guards for it enlisted, the Executive shall cause as many of the public arms to be taken from the hands of the Militia, and to be deposited in said arsenal, as will supply the same, having all such, as shall not

Not in good order, to be repaired.

be in excellent and complete order, previously repaired; or such arsenal may be supplied from the

Arsenals may be supplied from Richmond.

City of *Richmond: Provided*, That there shall not be less than twelve thousand stand of arms, in good order for action, at any time in the said city.

Proviso.

Duty of captains at arsenals.

108. It shall be the duty of the Captains hereby authorised to be appointed, to inspect and cause to be kept safe and clean, the arms at their respective arsenals, and to make monthly returns of the state and condition of the arms to the Executive, and to give receipts for all the public arms delivered them, and to permit the Colonel commanding the Regiment in which the arsenal is erected, once in three months, to examine the arms, arsenal and fortifications.

Their commissions to be during pleasure.

109. The said Captains shall hold their respective commissions during the pleasure of the Executive.

110. It shall be the duty of the Colonel commanding the Regiment, in which either of the arsenals may be erected, once in every three months, to examine into the state and condition of the arms therein deposited, and make report thereof, and also, of the condition of the arsenals and fortifications, to the Executive, once in every three months. For every examination and return as aforesaid, the said Colonel shall be allowed five dollars, to be paid out of any money in the Treasury, not otherwise appropriated; and if he fail to make such examination and return, once in every three months, he shall forfeit and pay to the Commonwealth, the sum of one hundred dollars, with costs for each failure, to be recovered by action of debt in the Superior or Inferior Court of Law of a county where the said Colonel may be found, to be applied for the benefit of the Literary Fund; and, in case the said Colonel shall fail to make either of the said returns required, it shall be the duty of the Executive, to cause suit to be brought for such penalty incurred, unless a sufficient excuse should be offered to them for such failure, within three months thereafter.

Duty of commandant of regiment in which an arsenal is erected.

His compensation.

Penalty for breach of duty.

How recoverable, and appropriated.

Duty of executive to order prosecution.

111. It shall not hereafter be lawful for the Executive to distribute the public arms amongst the Militia, except to such of them as may be called into actual service: *Provided, however*, That the Executive be authorised to arm any volunteer or other company of Militia, if the party applying for the arms for any company shall give bond and good security, to be approved by the Executive, that the arms shall be kept in complete order, subject to the orders of the Executive, and disposed of as they may at any time direct. And the Executive shall so regulate the penalty and condition of each of the bonds aforesaid, as to secure the rights of the Commonwealth; and in case of a violation of the condition of said bond, suit shall immediately be brought thereon for the benefit of the Commonwealth.

Arms not to be distributed, except to persons called into actual service; and where bond and good security shall be given to keep in good order, &c.

112. On application of the captain commanding at any arsenal, the Colonel of the Regiment within the bounds of which the arsenal may be situate, shall

Courts martial for trial of non-commissioned officers, &c. at

arsenals, how convened.

have power to summon five commissioned officers of his Regiment, who shall form a court martial, for the trial of any non-commissioned officer or private, of the guard stationed within the said Regiment: *Provided*, That such court martial shall not have power to pronounce sentence of death in any case.

Not to pronounce sentenee of death.

In what counties and towns arms not to be taken from the militia.

113. The operation of this act, in regard to taking the public arms from the hands of the Militia, and depositing them in arsenals, shall not extend to the counties situated below, or intersected by, the great post-road leading through the territory of this Commonwealth, from north to south, and crossing the principal rivers thereof at or above tide water, nor to the chief towns upon the banks of those rivers, or the counties in which those towns are situated.

Duty of persons receiving public arms, &c.

114. It shall be the duty of every person in the Militia, who hath received, or may hereafter receive, into their possession, any public arms or accoutrements, under the provisions of any act of Assembly, to keep the same in neat and good order, the musket barrel and bayonet free from rust and bright, the lock clean, well oiled, and with a good flint; and to appear with such arms, at every muster, where by law they are obliged to appear, and at all other times, when they may be called on duty; and, at all musters, the officers at their respective stations, shall be diligent and careful in training and instructing their men, and inspecting their arms, in noting delinquencies, and making report thereof as herein-after directed.

Duty of officers in relation thereto.

Persons about to remove, or be discharged from militia duty, to deliver such arms to their captain in good order.

115. If any person in the Militia, possessed of public arms or accoutrements as aforesaid, shall be about to remove out of the limits of the company to which he belongs, or, during such possession, arrive at the age of forty-five years, or in any other manner have a right to be discharged from Militia duty, every such person, before such removal, or before he shall be entitled to any such discharge, shall deliver to the officer commanding the company to which he belongs, in good order and unim-

paired, such public arms or accoutrements, as may have been delivered to him; and if any person so possessed shall die, it shall be the duty of his executors or administrators, executrix or administratrix, to restore such arms or accoutrements, to the officer commanding the company to which his, or her testator, or intestate belonged; and for a failure therein, he or she shall be subject to the same fines and penalties, to which his or her testator, or intestate would have been subjected, and that whether he or she have assets in his or her hands or not.

Duty of executors, &c. of persons dying possessed thereof.

Penalty for breach of such duty.

116. And where any non-commissioned officer or private shall remove out of the limits of his company district, without delivering to some commissioned officer of the company, in which he stood enrolled, all arms and accoutrements in his possession, belonging to the public, he shall forfeit and pay the sum of twenty dollars, to be recovered by warrant or attachment, before any justice of the peace, for the use of the Commonwealth.

Penalty on non-commissioned officer or private removing without delivering such arms.

117. Every person, in whose possession public arms or accoutrements have been lost or destroyed, contrary to law, shall make satisfaction to the Commonwealth for the same, to be awarded by the Courts of Enquiry, at the following prices:—for a musket, twenty dollars; for a ramrod, one dollar; for a bayonet, two dollars; for a cartouch box, two dollars; for a pistol, five dollars; for a sword, ten dollars; for a pair of holsters, five dollars; and for a rifle, thirty dollars.

Prices at which public arms, &c. lost or destroyed, shall be paid for.

118. If any Militia-man, or other person, shall sell, buy or give away, any part of the public arms or accoutrements, or carry the same out of the bounds of his Regiment, with intent to defraud the Commonwealth, he shall be considered as guilty of a misdemeanor, and being convicted thereof, at any time within five years, on information or indictment, in any county or superior court of law, shall be amerced in a sum not exceeding fifty dollars, and imprisoned for a term not exceeding twenty days, at the discretion of a jury.

Punishment for selling, &c. or carrying arms out of bounds of regiment, with intent to defraud Commonwealth.

Duty of captain to inspect arms from time to time, and report delinquencies.

119. It shall be the duty of the commanding officers of companies, from time to time, to inspect the public arms, and accoutrements in possession of the non-commissioned officers and privates of their companies; and, where it shall appear to him that any such arms or accoutrements are not in the condition required by this act, it shall be the duty of such officer to report the same as other delinquencies; and, if it shall at any time come to his knowledge, that any one of his company has embezzled or disposed of his arms or accoutrements, or has removed out of the limits of his company, without delivering them up, as herein-before directed, in all such cases, it shall be his duty immediately to proceed by and under the authority of a warrant, according to law, issuing from any justice of the peace of the county or counties, where such arms or accoutrements, or any part thereof, are supposed to be, to regain possession of such arms or accoutrements, wherever the same may be found; and it shall moreover be the duty of such captain to proceed as is herein directed, to bring to punishment, according to this act, every person offending in the disposing, buying or concealing, such arms or accoutrements.

To proceed to recover arms embezzled or carried away.

And to bring offenders to punishment.

Duty of majors and colonels to attend company musters, inspect arms, &c.

120. It shall be the duty of the officers commanding Battalions, to attend the musters of each company within his Battalion,* at least once in every year, for the purpose of reviewing such company, inspecting its arms and accoutrements, and instructing it in the drill of the company. And it shall be the duty of the commandants of regiments, in like manner, to attend each muster in their respective Regiments, for the purpose of reviewing the same and inspecting their arms and accoutrements.

Penalties on officers for breach of duty, in relation to preservation of public arms.

121. If any officer commanding a company, shall fail to comply with the duties prescribed by this act, in relation to the preservation of the public arms, he shall forfeit and pay twenty dollars. And

* So in the roll.

if any Major or commandant of a Battalion, shall fail to comply with the said duties, he shall forfeit and pay thirty dollars; and commandants of regiments, failing to comply with the said duties, shall, for every failure, forfeit and pay forty dollars each.

Delinquencies to be reported by captains.

122. It shall be the duty of the commanding officers of companies to report the delinquencies, in relation to the public arms and accoutrements, of all non-commissioned officers and privates in their respective companies; and it shall be the duty of Majors or Commandants of Battalions, to report the delinquencies of the commanding officers of companies within their Battalions; and it shall be the duty of the commandants of Regiments, to report the delinquencies of commandants of Battalions, within their Regiments, to the proper Courts of Enquiry.

Majors,

And colonels.

Uniform of militia declared by executive proclamation.

123. The Executive shall, and they are hereby authorised, to declare by proclamation, what shall be the uniform of the Militia of this Commonwealth; and the several officers shall be governed accordingly.

Copies of this act, and articles of war, to be printed and distributed.

124. The Executive shall cause to be printed and distributed so many copies of this act, together with the articles of war, as revised by the Congress of the United States, as will be sufficient to furnish to each commissioned officer one copy.

Repealing clause.

Proviso.

125. All acts and parts of acts, coming within the purview of this act, shall be and the same are hereby repealed; *Provided, however,* That all rights and remedies, fines, penalties, forfeitures and proceedings, heretofore accrued, incurred or commenced, shall be and remain in the same state and condition as if this act had never been passed.

Commencement.

126. This act shall commence and be in force from and after the first day of January eighteen hundred and twenty.

AN ACT

To reduce into one act, the several acts now in force, regulating impresses; and the compensation to individuals, for property taken, or occupied for public uses.

[Passed February 11, 1819.]

Prohibition of impressments without legal authority.

1. *Be it enacted by the General Assembly*, That, if any officer, soldier, commissary, quarter-master, or other person, shall presume to take from any citizen or citizens of this Commonwealth, any part of their property by way of impress, unless it be by warrant from the Executive in case of actual invasion, or by the sheriffs or sergeants removing criminals, or in such other cases as are or shall be expressly allowed by law, it shall be lawful for any magistrate in the county or corporation, where the offence is committed, upon information on oath, to issue his warrant for the immediate taking and safe keeping of such offender or offenders, till they are delivered by due course of law; and all officers of the militia are hereby enjoined to support the civil power in securing and bringing such offenders to justice. (*a*)

Offender may be arrested by warrant from any magistrate of the county or corporation.

Impressments for public use (for other than military purposes,) how to be made.

2. Whenever it shall be necessary to impress any property for the use of the Commonwealth, (for other than military purposes,*) it shall be the duty of the officer or person who impresses the same, to apply to a justice of the peace of the county wherein the property shall be impressed, who shall cause the same to be appraised by two disinterested respectable house-keepers, sworn for that purpose, and if it shall so happen, that the property so impressed is totally destroyed or lost in the service of this Commonwealth, so that the same cannot be returned to the owner, the officer, or person who impressed the property, shall so certify: upon the owner produ-

Appraisers to be appointed.

Certificate of property lost or destroyed in public service.

Owner how to be paid.

(*a*) Nov. 1781, c. 36—edi. 1794, 1803 and 1814, c. 121, § 1.

* The words within the parenthesis, inserted at the revisal of 1818.

cing such appraisement, and certificate, the auditor of public accounts is hereby authorised and required, to issue a warrant for the amount of the appraisement, on the treasurer, who is directed to pay the same out of any monies in the treasury. Should the property impressed as aforesaid, be restored to the owner, and he should conceive it had been injured in the service of the Commonwealth, he may, within five days thereafter, call on the same persons who first valued the said property, if to be found, who shall be sworn to determine the value of such property at the time the same was restored to the owner; otherwise, any justice in the county where the property was impressed, may cause two house-keepers to value the same upon oath, as aforesaid. The justice or justices, as the case may be, shall certify to the auditor of public accounts, such first and second valuation, with their true date, and the time such property has been restored; who shall, if the second valuation amount to a less sum than the first, issue a warrant for the difference, to be paid out of any money in the treasury: *Provided, nevertheless,* That in all second valuations, the hire of such property shall be taken into consideration by the appraisers. If it shall appear that such property has been injured by the officer or person who impressed it, or any other person, whereby the Commonwealth has sustained an injury, it shall and may be lawful for any attorney, prosecuting on behalf of this Commonwealth, where such person resides, to recover the said damages, upon motion, before any court of record within the Commonwealth, ten days notice thereof having been previously given; but such person may, if required, have such motion tried by a jury, provided he will not delay the trial.(*b*) 'Should the property impressed as aforesaid, be restored to the owner without having been 'injured in the service of the Commonwealth, the 'owner shall be entitled to demand and receive 'compensation for the use thereof, which compen-

Remedy where property is restored but injured.

Second valuation.

Certificate thereof.

Difference of value payable to owner.

Proviso, as to hire of the property.

Damages recoverable by the commonwealth, against him who did the injury; and how.

Trial by jury in such case.

Compensation allowed for use of property, when returned uninjured.

(*b*) 1806, c. 16, § 1, 2—Edi. 1808, c. 95, § 1, 2.

'sation shall be in like manner ascertained, certi-
'fied and paid, as is herein-above provided, in case
'of injury done to impressed property in the public
'service.'

Compensation for injuries to real property, occupied by troops in state service; how ascertained. Persons appointed to assess the damage done.

3. Whenever the fields, woods or other real property of any person shall be injured, in consequence of the occupation thereof by the militia, or other troops, in actual service of this State, such person shall receive a reasonable compensation for the injury, to be ascertained as follows: one discreet person, being a freeholder, shall be appointed on the part of the Commonwealth, by the commanding officer of the corps, or on his failure to do so, by the quarter-master general, or some other officer authorised by him; and one other discreet person, being a freeholder, in no manner interested in the question, to be submitted to him, and in no wise connected with the person appointing him, shall be chosen by the person whose property is injured. The two persons so chosen shall appoint a third freeholder, in like manner disinterested and unconnected. The persons so chosen shall take an oath, faithfully and impartially to discharge their duty, which shall be certified to the following effect, that is to say:

County, to wit:

Oath to be taken.

I, A. B. justice of the peace for county, do hereby certify, that C. D., E. F., and G. H., the persons chosen to assess the damages sustained by J. K., in consequence of the occupation of his real property in the county of viz: (here insert the description of the property,) *by troops in the service of the State of Virginia, under the command of have this day made oath before me, that they will well and truly, and without partiality, according to the best of their skill and judgment, assess the damages sustained by the said J. K., in consequence of such occupation. Given under my hand, this day of*

A. B.

Their duty.

The persons thus chosen and qualified, shall go upon the property so alledged to be injured, and

upon their own view, and upon such other evidence as may be offered them, shall ascertain as nearly as they can, the damage really sustained, and grant a certificate thereof, to the following effect:

Certificate by them.

We C. D., E. F., and G. H., chosen on behalf of the Commonwealth, and on behalf of J. K., to assess the damages sustained by the said J. K., in consequence of the occupation of his real property, in the county of viz: (here insert a description of the property,) *by certain troops in the service of the State of Virginia, commanded by , do hereby certify, that after being duly sworn, as will appear by the annexed certificate, we went on the property aforesaid, and after viewing the same, have ascertained the damage really sustained by the said J. K., to be , according to the best of our skill and judgment. Given under our hands, this day of .*

C. D.
E. F.
G. H.

Provision, in case they do not agree. Sum assessed how payable.

If the persons so chosen should not be able to agree, others may be chosen in the same way. Any certificate granted, as aforesaid, accompanied by the certificate of the oath aforesaid, and certificates of the proper appointment of the persons in pursuance of this act, shall entitle the person, in whose favor it is granted, to receive the amount thereby ascertained, out of any money appropriated to military purposes, to be paid in the manner in which the Executive shall direct.(c)

Impresses authorised, for use of troops in actual service.

4. Any officer, having the command of any corps or detachment of militia, or other troops, in the actual service of the State, when he shall be unable to procure for them supplies of transportation, fuel, forage, rations, camp equipage or artillery horses, by contract, or by other means provided by law, shall be authorised to impress, for the use of such corps or detachment, so much transportation, fuel, forage, rations, or camp equipage, and so

(c) 1814, c. 5. § 27.

many horses for temporary service in the artillery, as may be indispensible for the use of the said corps; and to grant a certificate thereof, and of the value to the person to whom it may be belong, or his agent. And if such person shall be dissatisfied with the value so certified, and refuse to accept the certificate, he may cause the value thereof to be ascertained, in the manner provided in the preceding section for the assessment of damage to real property. And the certificate so obtained, either from the commanding officer, or from the persons so chosen, shall be paid in the manner above prescribed: *Provided*, That in ascertaining the value of any waggons and teams, and other things, impressed for transportation, and of artillery horses impressed for temporary service, not only their value, but their reasonable hire *per* day, shall also be ascertained; and if they are returned to the owner, such reasonable hire only for the time that they are detained from him, together with a reasonable compensation for any injury done them, to be ascertained in like manner, shall be paid to him.(*d*)

Certificate by the officer impressing.

Provision in favor of owner not satisfied with such certificate.

Proviso, as to hire of and injury done to articles so impressed.

Horses for use of expresses, in time of war, &c. by whom and how to be impressed.

5. Any person authorised to send expresses to the Executive, or militia, in time of war, invasion or insurrection, or when there shall be imminent danger of invasion or insurrection, shall be authorised, when horses cannot otherwise be procured therefor, to impress, and by written authority under his hand, to empower the express employed by him, to impress, so many as may be essentially necessary; the value and hire of which shall be ascertained, and paid for, in the manner above provided in cases of other impressed horses. Any law authorising the impressment of the means of transportation, or of camp equipage, in any other manner than is hereby provided for, shall be, and the same is hereby, repealed.(*e*)

Repealing clause.

Farther repeal.

6. All and every act and acts, clause and clauses of acts, containing any thing within the purview of

(*d*) 1814, c. 5. § 28.
(*e*) 1814, c. 5. § 29.

this act, shall be, and the same are hereby repealed: *Provided always*, That nothing in this act contained shall be construed to repeal any act heretofore made, for so much thereof as may relate to a right or remedy accrued, or offence committed or done, before the commencement of this act. Proviso.

7. This act shall commence in force from and after the first day of January eighteen hundred and twenty. Commencement.

AN ACT

To amend an act to reduce into one all acts and parts of acts for regulating the Militia of this Commonwealth.

[Passed February 22, 1820.]

1. *Be it enacted by the General Assembly*, That, if any clerk of a regimental court of enquiry within this Commonwealth, shall hereafter fail, within sixty days after the adjournment of such court, to transmit to the auditor of public accounts a list of all claims allowed upon the militia fine fund; or, if there be no such claim allowed, to certify that fact; or, shall fail to return to the auditor of public accounts, within the time prescribed by law, the sheriff's or collector's receipt for each list of militia fines put into his hands for collection, together with a copy of such list; or, if there be no such list put into the sheriff's or collector's hands in any year, to certify that fact to the auditor, on or before the first day of September in such year; such clerk shall, for every such failure, forfeit and pay one hundred dollars, to be recovered on motion of the auditor, in the general court, upon reasonable notice. The fine hereby imposed for failure to return any list of fines, shall be in lieu of the fine heretofore imposed by law; and it shall not here- Penalty on clerks of regimental courts of enquiry failing to send auditor lists of claims upon militia fine fund, &c. How recoverable. Auditor not to certify to

the colonel such failure.

after be the duty of the auditor to certify such failure to the colonel of the regiment.

List of insolvents when to be returned to auditor by collectors of militia fines.

2. It shall be the duty of the sheriffs and other collectors of militia fines, to return a list of all insolvents, in relation to such fines, allowed by the respective courts of enquiry, to the auditor of public accounts, within eighteen months after such fines shall have been payable into the treasury; and no list of insolvents, not returned within that period, shall be allowed by the auditor in his settlement with such sheriff or collector. Nor shall any such list hereafter returned to any court of enquiry be allowed by the auditor, unless the same shall be verified by the oath or affirmation of the sheriff or other collector made and certified at the foot thereof, to the following effect:

Such lists to be verified by oath or affirmation.

Form thereof.

County, sc:

This day, A. B., sheriff (or deputy sheriff or collector) for the county of , made oath (or affirmation) before me, a justice of the peace for said county, that the foregoing list of delinquents in the militia fines he verily believes is correct and true; that he has used due diligence for the collection of the fines in the said list mentioned, and hath not collected any part thereof. Given under my hand this day of . C. D.

Certificate from court of enquiry.

Nor shall any such list be allowed by the auditor, unless, after it shall have been so verified, the court of enquiry shall certify that they believe the same to be correct, and that it ought to be allowed.

Claims, when to be presented at the treasury.

3. All claims upon the militia fine fund, which shall not be paid by the sheriff or other collector, and which shall be payable out of the public treasury, shall be presented within two years after the same shall have been allowed by the respective courts of enquiry; and the auditor of public accounts shall not be authorised to issue his warrant for any such claim, which shall not be so presented for payment before the said period of two years shall have elapsed.

Publication and distribution of this act.

4. This act shall be published and distributed by the executive, together with the act to which it

is amendatory; and one copy of the laws so to be published, shall be furnished to each court of enquiry to be kept and preserved by the clerk thereof.

5. This act shall be in force from and after the passing thereof. Commencement.

AN ACT

More effectually to provide for the National Defence by establishing an Uniform Militia throughout the United States.

1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled,* That each and every free able-bodied white male-citizen of the respective States, resident therein, who is or shall be at the age of eighteen years, and under the age of forty-five years, (except as is herein after excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within twelve months after the passing of this act. And it shall at all times hereafter be the duty of every such captain or commanding officer of a company to enroll every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of eighteen years, or being of the age of eighteen years, and under the age of forty-five years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrollment, by a proper non-commissioned officer of the company, by whom such notice may be proved.—That every citizen so enrolled and notified, shall within six months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, two spare flints, and a knapsack, a pouch with Militia, how and by whom to be enrolled.

How to be armed and accoutred.

a box therein to contain not less than twenty-four cartridges, suited to the bore of his musket or fire-lock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot pouch and powder-horn, twenty balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear so armed, accoutred and provided, when called out to exercise, or into service, except, that when called out on company-days to exercise only, he may appear without a knapsack. That the commissioned officers shall severally be armed with a sword or hanger and espontoon, and that from and after five years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled and providing himself with the arms, ammunition and accoutrements required, as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales, for debt or for the payment of taxes.

See act 2d March, 1803.

Executive officers, &c. exempted.

2. *And be it further enacted*, That the Vice-President of the United States; the officers, judicial and executive of the government of the United States; the members of both houses of Congress, and their respective officers; all custom-house officers with their clerks; all post-officers, and stage-drivers, who are employed in the care and conveyance of the mail of the post-office of the United States; all ferrymen employed at any ferry on the post-road; all inspectors of exports; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the United States; and all persons who now are or may hereafter be exempted by the laws of the respective States, shall be, and are hereby exempted from militia duty, notwithstanding their being above the age of eighteen, and under the age of forty-five years.

Militia, how to be arranged, and

3. *And be it further enacted*, That within one year after the passing of this act, the militia of the respective States shall be arranged into divisions, brigades, regiments, battalions and companies, as

the legislature of each State shall direct; and each division, brigade and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant-general's office in the State; and when in the field, or in service in the State, each division, brigade, and regiment shall, respectively, take rank according to their numbers, reckoning the first or lowest number highest in rank. That if the same be convenient, each brigade shall consist of four regiments; each regiment of two battalions; each battalion of five companies; each company of sixty-four privates. That the said militia shall be officered by the respective States, as follows: To each division, one major-general and two aids-de-camp, with the rank of major; to each brigade, one brigadier-general, with one brigade-inspector, to serve also as brigade-major, with the rank of a major; to each regiment, one lieutenant-colonel commandant; and to each battalion one major; to each company one captain, one lieutenant, one ensign, four sergeants, four corporals, one drummer and one fifer or bugler.—That there shall be a regimental staff, to consist of one adjutant and one quarter-master, to rank as lieutenants; one pay-master, one surgeon, and one surgeon's mate; one sergeant-major; one drum-major, and one fife-major.

by whom officered.

For additional officers, see act 2d March, 1803.

4. *And be it further enacted*, That out of the militia enrolled, as is herein directed, there shall be formed for each battalion at least one company of grenadiers, light infantry or riflemen; and that to each division, there shall be at least one company of artillery, and one troop of horse: there shall be to each company of artillery, one captain, two lieutenants, four sergeants, four corporals, six gunners, six bombardiers, one drummer and one fifer. The officers to be armed with a sword or hanger, a fusee, bayonet and belt, with a cartridge-box to contain twelve cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordnance and field artillery is provided. There shall be to

Each battalion to have one company of grenadiers, &c. and one company of artillery.

Officers how to be armed.

Troops of horse how

officered, &c. each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, and one trumpeter. The commissioned officers to furnish themselves with good horses, of at least fourteen hands and an half high, and to be armed with a sword, and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least fourteen hands and an half high, a good saddle, bridle, mail-pillion and valise, holsters, and a breast-plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch-box, to contain twelve cartridges for pistols.

Artillery and horse of whom to be formed; That each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the State, not exceeding one company of each to a regiment, nor more in number than one eleventh part of the infantry, and shall be uniformly cloathed in regimentals, to be furnished at their own expense; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong.

to be uniformly clad at their own expense,

What colors, &c. and by whom to be furnished. 5. *And be it further enacted*, That each battalion and regiment shall be provided with the State and regimental colors by the field officers, and each company with a drum and fife or bugle-horn, by the commissioned officers of the company in such manner as the legislature of the respective States shall direct.

Adjutant general in each state, his duty. 6. *And be it further enacted*, That there shall be an adjutant-general appointed in each State, whose duty it shall be to distribute all orders from the commander in chief of the State to the several corps; to attend all public reviews when the commander in chief of the State shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the

several officers of the different corps throughout the State, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies and every other thing which relates to the general advancement of good order and discipline: All which the several officers of the divisions, brigades, regiments and battalions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith: From all which returns, he shall make proper abstracts, and lay the same annually before the commander in chief of the State.

7th Section—*obsolete.*

Officers how to take rank.

8. *And be it further enacted*, That all commissioned officers shall take rank according to the date of their commissions; and when two of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company or detachment.

Provision in case of wounds, &c.

9. *And be it further enacted*, That if any person, whether officer or soldier, belonging to the militia of any State, and called out into the service of the United States, be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense.

Brigade inspector's duty.

10. *And be it further enacted*, That it shall be the duty of the brigade inspector, to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline throughout the brigade, agreeable to law, and such orders as they shall, from time to time, receive from the commander in chief of the State; to make returns to the adjutant general of the State, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition of the several corps, and

every other thing which, in his judgment, may relate to their government and the general advancement of good order and military discipline; and the adjutant general shall make a return of all the militia of the State, to the commander in chief of the said State, and a duplicate of the same to the President of the United States.

Artillery, &c. now existing,

And whereas sundry corps of artillery, cavalry and infantry, now exist in several of the said States, which by the laws, customs or usages thereof have not been incorporated with, or subject to the general regulations of the militia:

to retain their privileges.

11. *Be it further enacted*, That such corps retain their accustomed privileges, subject, nevertheless, to all other duties required by this act in like manner with the other militia.

[*Approved, May* 8, 1792.]

AN ACT

To regulate the pay of the non-commissioned officers, musicians and privates of the Militia of the United States, when called into actual service, and for other purposes.

Monthly pay of non-commissioned officers, &c.

1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the passing of this act, the allowance of bounty, clothing and pay to the non-commissioned officers, musicians and privates of the infantry, artillery and cavalry of the militia of the United States, when called into actual service, shall be at the rate per month, as follows: Each sergeant-major and quarter-master sergeant, nine dollars; each drum and fife-major, eight dollars and thirty-three cents; each sergeant, eight dollars; each corporal, drummer, fifer and trumpeter, seven dollars and thirty-three cents;

each farrier, saddler and artificer, (included as a private,) eight dollars; each gunner, bombardier, and private, six dollars and sixty-six cents.

Certain allowance to the cavalry.

2. *And be it further enacted*, That in addition to the monthly pay, there shall be allowed to each officer, non-commissioned officer, musician and private of the cavalry, for the use of his horse, arms and accoutrements, and for the risk thereof, except of horses killed in action, forty cents per day; and to each non-commissioned officer, musician and private, twenty-five cents per day, in lieu of rations and forage, when they shall provide the same.

Pay when to commence.

3. *And be it further enacted*, That whenever the Militia shall be called into the actual service of the United States, their pay shall be deemed to commence from the day of their appearing at the places of battalion, regimental or brigade rendezvous; allowing to each non-commissioned officer, musician, and private soldier, a day's pay and rations, for every fifteen miles from his home to such place of rendezvous, and the same allowance for travelling home from the place of discharge.

Allowance for travelling.

Sections 4, 5 and 6—*Obsolete.*

[*Approved, January* 2, 1795.]

AN ACT

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections, and repel Invasions; and to repeal the Act now in force for those purposes.

In case of invasion president may issue orders to militia officers.

1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That whenever the United States shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the United

States to call forth such number of the Militia of the state or states, most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, and to issue his orders for that purpose, to such officer or officers of the Militia, as he shall think proper. And in case of an insurrection in any state, against the government thereof, it shall be lawful for the President of the United States, on application of the legislature of such state, or of the executive, (when the legislature cannot be convened,) to call forth such number of the Militia of any other state or states, as may be applied for, as he may judge sufficient to suppress such insurrection.

In case of insurrection against a state, president may when applied to by the state legislature, &c. call out the militia of other states.

2. *And be it further enacted*, That whenever the laws of the United States shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the United States to call forth the Militia of such state, or of any other state or states, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of Militia so to be called forth may be continued, if necessary, until the expiration of thirty days after the commencement of the then next session of congress.

President to call out the militia to suppress combinations against the laws of the U. States.

3. *Provided always, and be it further enacted*, That whenever it may be necessary, in the judgment of the President, to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abode, within a limited time.

To issue proclamation.

4. *And be it further enacted*, That the militia employed in the service of the United States, shall be subject to the same rules and articles of war, as the troops of the United States: And that no officer, non-commissioned officer, or private of the militia, shall be compelled to serve more than three months, after his arrival at the place of rendezvous, in any

Militia when in service, to be subject to the articles of war.

Term of service not to exceed 3 months, &c.

one year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs.

5. *And be it further enacted,* That every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the United States, in any of the cases before recited, shall forfeit a sum not exceeding one year's pay, and not less than one month's pay, to be determined and adjudged by a court-martial; and such officer shall, moreover, be liable to be cashiered by sentence of a court martial, and be incapacitated from holding a commission in the militia, for a term not exceeding twelve months, at the discretion of the said court: And such non-commissioned officers and privates shall be liable to be imprisoned, by a like sentence, on failure of payment of the fines adjudged against them, for one calendar month for every five dollars of such fine. Penalty on not obeying the orders of the president in the cases before recited.

6. *And be it further enacted,* That courts martial for the trial of militia shall be composed of militia officers only. Courts martial.

7. *And be it further enacted,* That all fines to be assessed as aforesaid, shall be certified by the presiding officer of the court martial, before whom the same shall be assessed, to the marshal of the district in which the delinquent shall reside, or to one of his deputies, and also to the supervisor of the revenue of the same district, who shall record the said certificate in a book to be kept for that purpose. The said marshal, or his deputy, shall forthwith proceed to levy the said fines with costs, by distress and sale of the goods and chattels of the delinquent; which costs, and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the state, in which the same shall be, in other cases of distress. And where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found, whereof to levy the said fines, the marshal of the district, or his deputy, may commit such delinquent to goal, during the term for which he shall be so adjudged to imprison- Fines assessed how to be levied. Altered—see act 3d Feb. 1813.

ment, or until the fine shall be paid, in the same manner, as other persons condemned to fine and imprisonment, at the suit of the United States, may be committed.

Marshal to pay over fines collected.

8. *And be it further enacted*, That the marshals and their deputies shall pay all such fines by them levied, to the supervisor of the revenue, in the district in which they are collected, within two months after they shall have received the same, deducting therefrom, five per centum, as a compensation for their trouble; and in case of failure, the same shall be recoverable by action of debt or information, in any court of the United States, of the district in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted and recovered, in the name of the supervisor of the district, with interest and costs.

Altered—see act 2d Feb. 1813.

Marshals of the districts to have the same powers in executing the laws of U. States as sheriffs in the states.

9. *And be it further enacted*, That the marshals of the several districts, and their deputies, shall have the same powers in executing the laws of the United States, as sheriffs and their deputies, in the several states, have by law, in executing the laws of the respective states.

Former act repealed.

10. *And be it further enacted*, That the act, entitled, "An act to provide for calling forth the militia to execute the laws of the union, suppress insurrections, and repel invasions," passed the second day of May, one thousand seven hundred and ninety two, shall be, and the same is hereby repealed.

[*Approved, February* 28, 1795.]

AN ACT

In addition to an act, entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States."

The adjutant general of the militia to

1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That it shall be the duty of

the adjutant general of the militia in each state, to make return of the militia of the state to which he belongs, with their arms, accoutrements and ammunition, agreeably to the directions of the act to which this is an addition, to the President of the United States annually, on or before the first Monday in January in each year; and it shall be the duty of the secretary of war, from time to time, to give such directions to the adjutants general of the Militia, as shall, in his opinion, be necessary to produce an uniformity in the said returns; and he shall lay an abstract of the same before Congress on or before the first Monday of February annually.

make return annually.

Secretary of war to prescribe forms and lay abstract before congress.

2. *And be it further enacted,* That every citizen duly enrolled in the militia, shall be constantly provided with arms, accoutrements, and ammunition, agreeably to the direction of the said act, from and after he shall be duly notified of his enrollment; and any notice or warning to the citizens so enrolled to attend a company, battalion, or regimental muster or training, which shall be according to the laws of the state in which it is given, for that purpose, shall be deemed a legal notice of his enrollment.

Citizens enrolled to provide arms, &c.

Notice to muster, legal notice of enrollment.

3. *And be it further enacted,* That in addition to the officers provided for by the said act, there shall be to the militia of each state, one quarter-master general; to each brigade, one quarter-master of brigade, and to each regiment one chaplain.

Quarter-masters and chaplains to militia.

[*Approved March* 2, 1803.]

The act of Congress, approved 23d April, 1808, entitled, "*An act making provision for arming and equipping the whole body of the militia of the United States,*" appropriates the sum of two hundred thousand dollars annually, for the purchase or manufacture of arms, to be distributed to the militia of the several states and territories, in

proportion to the number of the effective militia of each state and territory. The arms thus distributed to the states to be disposed of in such manner as may seem best to the state legislatures.

AN ACT

Supplementary to an act, entitled "An act to provide for calling forth the militia to execute the laws, suppress insurrections, and repel invasions," and to repeal the act now in force for those purposes, and to increase the pay of volunteer and militia corps.

Fines imposed by courts martial to be certified to the comptroller of the treasury.

1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That in every case in which a court martial shall have adjudged and determined a fine against any officer, non-commissioned officer, musician or private, of the militia, for any of the causes specified in the act to which this act is a supplement, or in the fourth section of an act, entitled "An act to authorise a detachment from the militia of the United States;" all such fines so assessed, shall be certified to the Comptroller of the Treasury of the United States, in the same manner as the act to which this act is a supplement directed the same to be certified to the supervisor of the revenue.

Marshals to pay fines within two months after collection into the treasury, deducting five per cent.

2. *And be it further enacted,* That the marshals shall pay all fines which have been levied and collected by them or their respective deputies, under the authority of the acts herein referred to, into the treasury of the United States within two months after they shall have received the same, deducting five per centum for their own trouble; and in case of failure, it shall be the duty of the Comptroller of the Treasury to give notice to the district attorney of the United States, who shall proceed

against the said marshal in the district court by attachment for the recovery of the same.

Non-commissioned officers, musicians and privates of volunteer and militia corps entitled to the same monthly pay, rations, and forage, &c. as those of the army of the United States.

3. *And be it further enacted*, That the non-commissioned officers, musicians, and privates of volunteer and militia corps, who, subsequent to the thirty first day of December, one thousand eight hundred and twelve, shall have been or may hereafter be called out, while in the service of the United States, shall, during the continuance of the present war between the United Kingdom of Great Britain and Ireland, and the dependencies thereof, and the United States of America, and their territories, be entitled to and receive the same monthly pay, rations, and forage, and furnished with the same camp equipage as are or may be provided by law for the non-commissioned officers, musicians, and privates of the army of the United States.

[*Approved February* 2, 1813.]

AN ACT

To provide for the widows and orphans of Militia slain, and for Militia disabled in the service of the United States.

Representatives of volunteer or militia officers slain in actual service, entitled to pension for five years.

1. *Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That if any commissioned officer of the militia, or of any volunteer corps, shall, while in the service of the United States, die by reason of any wound received in actual service of the United States, and leave a widow, or if no widow, a child or children under sixteen years of age, such widow, or if no widow, such child or children shall be entitled to receive half the monthly pay to which the deceased was entitled at the time of his death, for and during the term of five years; but in case of the death or intermarriage of such widow, before the expiration of the said term of five years, the half pay for the

remainder of the time shall go to the child or children of such deceased officer: *Provided always,* That such half pay shall cease on the death of such child or children.

Proviso.

Officers, non-commissioned officers, musicians, or privates disabled in actual service, placed on pension list.

2. *And be it further enacted,* That if any officer, non-commissioned officer, musician or private of the militia, or of any volunteer corps, shall be disabled by known wounds received in the actual service of the United States, while in the line of his duty, he shall, upon substantiating his claim in the manner described by an act, entitled "An act to provide for persons who were disabled by known wounds received in the revolutionary war," passed the tenth day of April, one thousand eight hundred and six, be placed on the list of invalids o the United States, at such rate of pension, and under such regulations as are provided by the said act, or as may hereafter be provided by law: *Provided always,* That the compensation to be allowed for such wounds or disabilities, to a commissioned officer shall not exceed for the highest rate of disability half the monthly pay of such officer at the time of his being wounded or disabled, and that no officer shall receive more than the half pay of a lieutenant colonel; and that the rate of compensation to non-commissioned officers, musicians and privates, shall not exceed five dollars per month: *And provided also,* That all inferior disabilities shall entitle the persons so disabled, to receive an allowance proportionate to the highest disability.

Proviso.

Proviso.

Commencement of this act.

3. *And be it further enacted,* That the provisions of this act shall be construed to have effect from and after the eighteenth day of June, one thousand eight hundred and twelve.

Repeal of part of a former act.

4. *And be it further enacted,* That the sixth section of an act, entitled "An act authorising the President of the United States to accept and organize certain volunteer military corps," passed the sixth day of February, one thousand eight hundred and twelve, be and the same is hereby repealed.

[*Approved August 2,* 1813.]

AN ACT

In further addition to an act, entitled "An act more effectually to provide for the national defence, by establishing an uniform Militia throughout the United States."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That in addition to the officers of the militia provided for by the act, entitled "An act more effectually to provide for the national defence by establishing an uniform militia throughout the United States," approved May the eighth, one thousand seven hundred and ninety-two, and by an act in addition to the said recited act, approved March the second, one thousand eight hundred and three, there shall be to each division, one division inspector, with the rank of lieutenant colonel, and one division quarter-master, with the rank of major; to each brigade one aid de camp, with the rank of captain; and the quarter-masters of brigade heretofore provided for by law, shall have the rank of captain. And it shall be incumbent on the said officers to do and perform all the duties which by law and military principles are attached to their offices respectively.

Additional officers authorised;

Their rank,

and duties.

[*Approved April* 18, 1814.]

AN ACT

Concerning field officers of the Militia.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the first day of May next, instead of one lieutenant colonel commandant to each regiment, and one major to each

battalion of the militia, as is provided by the act entitled "An act more effectually to provide for the national defence, by establishing an uniform militia throughout the United States," approved May the eighth, one thousand seven hundred and ninety two, there shall be one colonel, one lieutenant colonel and one major to each regiment of the militia, consisting of two battalions. Where there shall be only one battalion, it shall be commanded by a major: *Provided*, that nothing contained herein shall be construed to annul any commission in the militia which may be in force, as granted by authority of any state or territory, in pursuance of the act herein recited, and bearing date prior to the said first day of May next.

[*Approved April* 20, 1816.]

AN ACT

Concerning the annual sum appropriated for arming and equipping the Militia.

Annual appropriation for the militia.

Be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That the annual sum of two hundred thousand dollars, as appropriated for the purpose of providing arms and military equipments for the militia, either by purchase or manufacture, according to the act of the twenty-third of April, one thousand eight hundred and eight, entitled, "An act making provision for arming and equipping the whole body of the militia of the United States," shall be paid, for each year, respectvely, out of any monies in the treasury not otherwise appropriated.

Appropriation.

2. *And be it further enacted*, That the sum appropriated to be paid as aforesaid, shall be applied for the purpose, and according to the intention speci-

fied in said act, without being liable at any time to be carried to the account of the surplus fund. And nothing in the act of the third of March, one thousand eight hundred and nine, entitled, "An act further to amend the several acts for the establishment and regulation of the treasury, war and navy departments," shall be construed to authorise the transferring of the sum annually appropriated as aforesaid, or any portion thereof, to any other branch of expenditure.

[*Approved April* 29, 1816.]

AN ACT

To defray the expenses of the Militia when marching to the places of rendezvous.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the expenses incurred, or to be incurred, by marching the militia of any state or territory of the United States to their places of rendezvous, in pursuance of a requisition of the President of the United States, or which shall have been, or may be, incurred in cases of calls made by the authority of any state or territory, which shall have been, or may be, approved by him, shall be adjusted and paid in like manner as the expenses incurred after their arrival at such places of rendezvous, on the requisition of the President of the United States: *Provided*, That nothing herein contained shall be considered as authorising any species of expenditure, previous to arriving at the place of rendezvous, which is not provided by existing laws to be paid for after their arrival at such place of rendezvous. [*Approved April* 20, 1818.]

Expenses incurred by marching militia to places of rendezvous, upon the President's requisition or calls of state authorities approved by him, to be adjusted and paid in the same manner as expenses incurred after arrival.

Proviso; no species of expenditure authorised previously to arrival not provided to be paid for after arrival.

AN ACT

*To establish an uniform mode of Discipline and Field Exercise for the Militia of the United States.**

The system of discipline and field exercise observed by the regular army, to be observed by the militia.

1. *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That the system of discipline and field exercise which is and shall be ordered to be observed by the regular army of the United States, in the different corps of infantry, artillery, and riflemen, shall also be observed by the militia, in the exercises and discipline of the said corps, respectively, throughout the United States.

So much of the act of 8th May, 1792, as establishes the Baron de Steuben's rules and discipline, repealed.

2. *And be it further enacted*, That so much of the act of Congress, approved the eighth of May, one thousand seven hundred and ninety-two, as approves and establishes the rules and discipline of the Baron De Steuben, and requires them to be observed by the militia throughout the United States, be, and the same is hereby, repealed.

[*Approved May* 12, 1820.]

* The system which will be observed in the militia under this act, is entitled "*Rules and regulations for the United States' Infantry*,"—Compiled by a board of officers of which Major General Winfield Scott was president.

ARTICLES OF WAR.

[1806.]

AN ACT

For establishing rules and articles for the government of the armies of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, from and after the passing of this act the following shall be the rules and articles by which the armies of the United States shall be governed.

Officers to subscribe these rules.

Art. 1. Every officer, now in the army of the United States, shall, in six months from the passing of this act, and every officer who shall hereafter be appointed, shall, before he enters on the duties of his office, subscribe these rules and regulations.

Misbehaviour at a place of worship.

Art. 2. It is earnestly recommended to all officers and soldiers diligently to attend divine service; and all officers who shall behave indecently or irreverently, at any place of divine worship, shall, if commissioned officers, be brought before a general court martial, there to be publicly and severely reprimanded by the president; if non-commissioned officers or soldiers, every person, so offending, shall for his first offence, forfeit one-sixth of a dollar, to be deducted out of his next pay; for the second offence, he shall not only forfeit a like sum, but be confined twenty four hours; and for every like offence, shall suffer and pay in like manner; which money, so forfeited, shall be applied by the captain or senior officer of the troop or company, to the use of the sick soldiers of the company or troop to which the offender belongs.

Profane oaths.

Art. 3. Any non-commissioned officer or soldier who shall use any profane oath or execration, shall

incur the penalties expressed in the foregoing article; and a commissioned officer shall forfeit and pay for each and every such offence, one dollar, to be applied as in the preceding article.

Chaplain absenting himself from his duties.

Art. 4. Every chaplain, commissioned in the army or armies of the United States, who shall absent himself from the duties assigned him (excepting in cases of sickness or leave of absence,) shall, on conviction thereof before a court martial, be fined not exceeding one month's pay, besides the loss of his pay during his absence; or be discharged, as the said court martial shall judge proper.

Disrespectful words against the President, Congress, or state legislatures.

Art. 5. Any officer or soldier who shall use contemptuous or disrespectful words against the President of the United States, against the Vice President thereof, against the Congress of the United States, or against the Chief Magistrate or Legislature of any of the United States, in which he may be quartered, if a commissioned officer, shall be cashiered, or otherwise punished, as a court martial shall direct; if a non-commissioned officer or soldier, he shall suffer such punishment as shall be inflicted on him by the sentence of a court martial.

Disrespect of commanding officer.

Art. 6. Any officer or soldier who shall behave himself with contempt or disrespect towards his commanding officer, shall be punished according to the nature of his offence by the judgment of a court martial.

Mutiny.

Art. 7. Any officer or soldier who shall begin, excite, cause, or join in any mutiny or sedition, in any troop or company in the service of the United States, or in any party, post, detachment or guard, shall suffer death, or such other punishment as by a court martial shall be inflicted.

Knowledge of intended mutiny.

Art. 8. Any officer, non-commissioned officer, or soldier, who, being present at any mutiny or sedition, does not use his utmost endeavor to suppress the same, or coming to the knowledge of any intended mutiny, does not, without delay, give information thereof to his commanding officer, shall be punished by the sentence of a court martial with death, or otherwise, according to the nature of his offence.

Art. 9. Any officer or soldier who shall strike his superior officer, or draw or lift up any weapon, or offer any violence against him, being in the execution of his office, on any pretence whatsoever; or shall disobey any lawful command of his superior officer, shall suffer death, or such other punishment as shall, according to the nature of his offence, be inflicted upon him by the sentence of a court martial. Striking or disobeying superior officer.

Art. 10. Every non-commissioned officer or soldier who shall enlist himself in the service of the United States, shall, at the time of his so enlisting, or within six days afterwards, have the articles for the government of the armies of the United States, read to him, and shall, by the officer who enlisted him, or by the commanding officer of the troop or company into which he was enlisted, be taken before the next justice of the peace, or chief magistrate of any city or town corporate, not being an officer of the army, or where recourse cannot be had to the civil magistrate, before the judge advocate, and in his presence, shall take the following oath or affirmation: *I, A. B. do solemnly swear or affirm, (as the case may be,) that I will bear true allegiance to the United States of America, and that I will serve them honestly and faithfully against all their enemies or opposers whatsoever, and observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles for the government of the armies of the United States:* Which justice, magistrate, or judge advocate, is to give the officer a certificate, signifying that the man enlisted did take the said oath or affirmation. These articles to be read to recruits. Oath of the recruit.

Art. 11. After a non-commissioned officer or soldier shall have been duly enlisted and sworn, he shall not be dismissed the service without a discharge in writing; and no discharge granted to him shall be sufficient which is not signed by a field officer of the regiment to which he belongs, or commanding officer where no field officer of the regiment is present; and no discharge shall be given Discharge of non-commissioned officers and soldiers.

to a non-commissioned officer or soldier, before his term of service has expired, but by order of the President, the secretary of war, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged the service, but by order of the President of the United States, or by sentence of a general court martial.

Discharge of officers.

Furloughs to non-commissioned officers and soldiers.

Art. 12. Every colonel, or other officer, commanding a regiment, troop or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time as he shall judge to be most consistent with the good of the service; and a captain or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack of the United States, (his field officer being absent,) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

Certificate respecting those who are absent at time of muster.

Art. 13. At every muster the commanding officer of each regiment, troop or company there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop or company, certificates signed by himself signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers, which reasons, and time of absence, shall be inserted in the muster rolls, opposite the name of the respective absent officers and soldiers. The certificate shall together with the muster rolls, be remitted by the commissary of musters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

False certificate respecting absentees.

Art. 14. Every officer who shall be convicted, before a general court martial, of having signed a

false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

False musters.

Art. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters, who shall willingly sign, direct or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court martial, be cashiered, and shall be thereby utterly disabled to have or to hold any office or employment in the service of the United States.

Mustering officer accepting any thing by way of gratification.

Art. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money or other thing, by way of gratification, on mustering any regiment, troop or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Mustering any person not a soldier.

Art. 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

False returns.

Art. 18. Every officer who shall knowingly make a false return to the department of war, or to any of his superior officers, authorised to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores there unto belonging, shall on conviction thereof before a court martial, be cashiered.

Monthly returns to be made.

Art. 19. The commanding officer of every regiment, troop or independent company, or garrison of the United States, shall in the beginning of every month, remit through the proper channels, to the department of war, an exact return of the regiment, troop, independent company or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of their absence. And any officer who shall be convicted of having, through neglect or

design, omitted sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court martial.

Desertion. Art. 20. All officers and soldiers, who have received pay, or have been only inlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

Absence without leave. Art. 21. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

No person shall re-enlist without first obtaining a regular discharge. Art. 22. No non-commissioned officer or soldier, shall inlist himself in any other regiment, troop or company, without a regular discharge from the regiment, troop or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered.

Advising desertion. Art. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

Reproachful speeches. Art. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

Duelling. Art. 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a com-

missioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court martial.

Officers commanding guards, suffering persons to go forth to fight, and also seconds, to be deemed principals.

Art. 26. If any commissioned, or non-commissioned officer commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters and carriers of challenges, in order to duels, shall be deemed principals, and punished accordingly. And it shall be the duty of every officer, commanding an army, regiment, company, post or detachment, who is knowing to a challenge being given or accepted by any officer, non-commissioned officer or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Commanding officer to arrest all persons intending to fight a duel.

All officers to part and quell quarrels and disorders.

Art. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays and disorders, though the persons concerned should belong to another regiment, troop or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

Officer or soldier upbraiding another for refusing to fight, to be punished as a challenger.

Art. 28. Any officer or soldier, who shall upbraid another for refusing a challenge, shall himself be punished as a challenger, and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

Sutler keeping open shops at improper times.

Art. 29. No suttler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or

sermon, on the penalty of being dismissed from all future suttling.

Suttlers to supply good articles, and at reasonable prices.

Art. 30. All officers commanding in the field, forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

Officers not to make or suffer, any exactions on suttlers, nor to be interested in the sale of any articles for the use of the soldiers.

Art. 31. No officer commanding in any of the garrisons, forts or barracks of the United States, shall exact exorbitant prices for houses or stalls let out to suttlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in the sale of any victuals, liquors, or other necessaries of life, brought into the garrison, fort or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

Officers commanding shall keep good order, redress all abuses, grievances, and disorders.

Art. 32. Every officer, commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command: if, upon complaint made to him, of officers or soldiers beating, or otherwise ill treating any person; of disturbing fairs or markets, or of committing any kinds of riots, to the disquieting of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court martial shall direct.

Officers or soldiers accused of crimes or of offences against citizens of the United States, to be delivered over upon application to civil magistrate.

Art. 33. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company,

to which the person or persons, so accused, shall belong, are hereby required, upon application duly made by, or in behalf of, the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers, shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice, in apprehending such person or persons, the officer or officers, so offending, shall be cashiered.

Complaints of officers thinking themselves wronged, to be examined into by commanding general.

Art. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general commanding in the state or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the Department of War, a true state of such complaint, with the proceedings had thereon.

Complaints soldiers, thinking themselves wronged, to be examined into by regimental courts martial.

Art. 35. If any inferior officer or soldier, shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing justice to the complainant; from which regimental court martial either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person so appealing, shall be punished at the discretion of the said court martial.

Embezzlement, waste, or neglect of public property.

Art. 36. Any commissioned officer, store-keeper, or commissary, who shall be convicted at a general court martial, of having sold, without a proper

order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition or other military stores, belonging to the United States to be spoiled or damaged, shall, at his own expense, make good the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

Neglect or waste of ammunition.

Art. 37. Any non-commissioned officer or soldier, who shall be convicted at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

Sale, loss, or damage of horse, arms, clothing, or accoutrements.

Art. 38. Every non-commissioned officer or soldier, who shall be convicted before a court martial of having sold, lost or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement, or such other corporeal punishment as his crime shall deserve.

Embezzlement or misapplication of public monies.

Art. 39. Every officer who shall be convicted before a court martial, of having embezzled, or misapplied, any money with which he may have been entrusted, for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

Captains of companies accountable for the arms, &c. of their companies.

Art. 40. Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores, belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

Art. 41. All non-commissioned officers and soldiers who shall be found one mile from the camp, without leave in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial. Non-commissioned officers and soldiers found 1 mile from camp without written permission.

Art. 42. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial. No officer or soldier to lie out of his quarters without leave.

Art. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent, at the beating of the retreat; in default of which he shall be punished according to the nature of his offence. Non-commissioned officers and soldiers to repair at retreat beating.

Art. 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence by the sentence of a court martial. Officers or soldiers neglecting to appear on parade or exercise, or quitting the same without leave.

Art. 45. Any commissioned officer who shall be found drunk, on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial. Drunkenness on duty.

Art. 46. Any centinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial. Sleeping on post.

Art. 47. No soldier belonging to any regiment, troop or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also Soldier hiring another to do his duty.

the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

Officers and non-commissioned officers conniving at, or allowing, hiring of duty.

Art. 48. And every non-commissioned officer conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

Officers occasioning false alarms.

Art. 49. Any officer belonging to the service of the United States, who, by discharging of fire-arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Officer or soldier quitting his guard or platoon, without leave.

Art. 50. Any officer or soldier, who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon or division, shall be punished according to the nature of his offence, by the sentence of a court martial.

Violence to persons bringing provisions or other necessaries into camp.

Art. 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison or quarters, of the forces of the United States, employed in any parts out of the said states, upon pain of death, or such other punishment as a court martial shall direct.

Misbehaviour before the enemy.

Art. 52. Any officer or soldier who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post or guard, which he or they may be commanded to defend, or speak words inducing others to do the like, or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Giving watch-word to persons not entitled thereto or giving parole or watch word different from the one received.

Art. 53. Any person belonging to the armies of the United States, who shall make known the watch-word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watch-word differ-

ent from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Officers and soldiers to behave orderly; not to commit waste in enclosures, or injure property of inhabitants of the United States.

Art. 54. All officers and soldiers are to behave themselves orderly in quarters, and on their march; and whosoever shall commit any waste, or spoil, either in walks of trees, parks, warrens, fish-ponds, houses, or gardens, cornfields, enclosures of meadows, or shall maliciously destroy any property whatsoever, belonging to the inhabitants of the United States, unless by order of the then commander in chief of the armies of the said States, shall (besides such penalties as they are liable to by law) be punished according to the nature and degree of the offence, by the judgment of a regimental or general court martial.

Forcing safe guard.

Art. 55. Whosoever, belonging to the armies of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

Relieving or harboring an enemy.

Art. 56. Whosoever shall relieve the enemy with money, victuals or ammunition, or shall knowingly harbour or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Holding correspondence with, or giving intelligence to the enemy.

Art. 57. Whosoever shall be convicted of holding correspondence with or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Public stores taken from the enemy, to be secured for the U. States.

Art. 58. All public stores taken in the enemy's camp, towns, forts or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

Compelling a commanding officer to give up to the enemy.

Art. 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

to a non-commissioned officer or soldier, before his term of service has expired, but by order of the President, the secretary of war, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged the service, but by order of the President of the United States, or by sentence of a general court martial.

Discharge of officers.

Furloughs to non-commissioned officers and soldiers.

Art. 12. Every colonel, or other officer, commanding a regiment, troop or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time as he shall judge to be most consistent with the good of the service; and a captain or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack of the United States, (his field officer being absent,) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

Certificate respecting those who are absent at time of muster.

Art. 13. At every muster the commanding officer of each regiment, troop or company there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop or company, certificates signed by himself signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers, which reasons, and time of absence, shall be inserted in the muster rolls, opposite the name of the respective absent officers and soldiers. The certificate shall together with the muster rolls, be remitted by the commissary of musters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

False certificate respecting absentees.

Art. 14. Every officer who shall be convicted, before a general court martial, of having signed a

false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

False musters.

Art. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters, who shall willingly sign, direct or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court martial, be cashiered, and shall be thereby utterly disabled to have or to hold any office or employment in the service of the United States.

Mustering officer accepting any thing by way of gratification.

Art. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money or other thing, by way of gratification, on mustering any regiment, troop or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Mustering any person not a soldier.

Art. 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

False returns.

Art. 18. Every officer who shall knowingly make a false return to the department of war, or to any of his superior officers, authorised to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores there unto belonging, shall on conviction thereof before a court martial, be cashiered.

Monthly returns to be made.

Art. 19. The commanding officer of every regiment, troop or independent company, or garrison of the United States, shall in the beginning of every month, remit through the proper channels, to the department of war, an exact return of the regiment, troop, independent company or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of their absence. And any officer who shall be convicted of having, through neglect or

design, omitted sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court martial.

Desertion.

Art. 20. All officers and soldiers, who have received pay, or have been only inlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

Absence without leave.

Art. 21. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

No person shall re-enlist without first obtaining a regular discharge.

Art. 22. No non-commissioned officer or soldier, shall inlist himself in any other regiment, troop or company, without a regular discharge from the regiment, troop or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered.

Advising desertion.

Art. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

Reproachful speeches.

Art. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

Duelling.

Art. 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a com-

missioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court martial.

Officers commanding guards, suffering persons to go forth to fight, and also seconds, to be deemed principals.

Art. 26. If any commissioned, or non-commissioned officer commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters and carriers of challenges, in order to duels, shall be deemed principals, and punished accordingly. And it shall be the duty of every officer, commanding an army, regiment, company, post or detachment, who is knowing to a challenge being given or accepted by any officer, non-commissioned officer or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Commanding officer to arrest all persons intending to fight a duel.

All officers to part and quell quarrels and disorders.

Art. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays and disorders, though the persons concerned should belong to another regiment, troop or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

Officer or soldier upbraiding another for refusing to fight, to be punished as a challenger.

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Forcing safe guard.

Art. 55. Whosoever, belonging to the armies of the United States, employed in foreign parts, shall force a safe guard, shall suffer death.

Relieving or harboring an enemy.

Art. 56. Whosoever shall relieve the enemy with money, victuals or ammunition, or shall knowingly harbour or protect an enemy, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Holding correspondence with, or giving intelligence to the enemy.

Art. 57. Whosoever shall be convicted of holding correspondence with or giving intelligence to the enemy, either directly or indirectly, shall suffer death, or such other punishment as shall be ordered by the sentence of a court martial.

Public stores taken from the enemy, to be secured for the U. States.

Art. 58. All public stores taken in the enemy's camp, towns, forts or magazines, whether of artillery, ammunition, clothing, forage or provisions, shall be secured for the service of the United States; for the neglect of which the commanding officer is to be answerable.

Compelling a commanding officer to give up to the enemy.

Art. 59. If any commander of any garrison, fortress, or post, shall be compelled, by the officers and soldiers under his command, to give up to the enemy, or to abandon it, the commissioned officers, non-commissioned officers or soldiers, who shall be convicted of having so offended, shall suffer death, or such other punishment as shall be inflicted upon them by the sentence of a court martial.

to a non-commissioned officer or soldier, before his term of service has expired, but by order of the President, the secretary of war, the commanding officer of a department, or the sentence of a general court martial; nor shall a commissioned officer be discharged the service, but by order of the President of the United States, or by sentence of a general court martial.

Discharge of officers.

Furloughs to non-commissioned officers and soldiers.

Art. 12. Every colonel, or other officer, commanding a regiment, troop or company, and actually quartered with it, may give furloughs to non-commissioned officers or soldiers, in such numbers, and for so long a time as he shall judge to be most consistent with the good of the service; and a captain or other inferior officer, commanding a troop or company, or in any garrison, fort, or barrack of the United States, (his field officer being absent,) may give furloughs to non-commissioned officers or soldiers, for a time not exceeding twenty days in six months, but not to more than two persons to be absent at the same time, excepting some extraordinary occasion should require it.

Certificate respecting those who are absent at time of muster.

Art. 13. At every muster the commanding officer of each regiment, troop or company there present, shall give to the commissary of musters, or other officer who musters the said regiment, troop or company, certificates signed by himself signifying how long such officers, as shall not appear at the said muster, have been absent, and the reason of their absence. In like manner, the commanding officer of every troop or company, shall give certificates, signifying the reasons of the absence of the non-commissioned officers and private soldiers, which reasons, and time of absence, shall be inserted in the muster rolls, opposite the name of the respective absent officers and soldiers. The certificate shall together with the muster rolls, be remitted by the commissary of musters, or other officer mustering, to the department of war, as speedily as the distance of the place will admit.

False certificate respecting absentees.

Art. 14. Every officer who shall be convicted, before a general court martial, of having signed a

false certificate, relating to the absence of either officer or private soldier, or relative to his or their pay, shall be cashiered.

False musters.

Art. 15. Every officer who shall knowingly make a false muster of man or horse, and every officer or commissary of musters, who shall willingly sign, direct or allow the signing of muster rolls, wherein such false muster is contained, shall, upon proof made thereof by two witnesses, before a general court martial, be cashiered, and shall be thereby utterly disabled to have or to hold any office or employment in the service of the United States.

Mustering officer accepting any thing by way of gratification.

Art. 16. Any commissary of musters, or other officer, who shall be convicted of having taken money or other thing, by way of gratification, on mustering any regiment, troop or company, or on signing muster rolls, shall be displaced from his office, and shall be thereby utterly disabled to have or hold any office or employment in the service of the United States.

Mustering any person not a soldier.

Art. 17. Any officer who shall presume to muster a person as a soldier, who is not a soldier, shall be deemed guilty of having made a false muster, and shall suffer accordingly.

False returns.

Art. 18. Every officer who shall knowingly make a false return to the department of war, or to any of his superior officers, authorised to call for such returns, of the state of the regiment, troop or company, or garrison under his command; or of the arms, ammunition, clothing or other stores there unto belonging, shall on conviction thereof before a court martial, be cashiered.

Monthly returns to be made.

Art. 19. The commanding officer of every regiment, troop or independent company, or garrison of the United States, shall in the beginning of every month, remit through the proper channels, to the department of war, an exact return of the regiment, troop, independent company or garrison, under his command, specifying the names of the officers then absent from their posts, with the reasons for, and the time of their absence. And any officer who shall be convicted of having, through neglect or

design, omitted sending such returns, shall be punished according to the nature of his crime, by the judgment of a general court martial.

Desertion.

Art. 20. All officers and soldiers, who have received pay, or have been only inlisted in the service of the United States, and shall be convicted of having deserted the same, shall suffer death, or such other punishment as by sentence of a court martial shall be inflicted.

Absence without leave.

Art. 21. Any non-commissioned officer or soldier, who shall, without leave from his commanding officer, absent himself from his troop, company or detachment, shall, upon being convicted thereof, be punished according to the nature of his offence, at the discretion of a court martial.

No person shall re-enlist without first obtaining a regular discharge.

Art. 22. No non-commissioned officer or soldier, shall inlist himself in any other regiment, troop or company, without a regular discharge from the regiment, troop or company, in which he last served, on the penalty of being reputed a deserter, and suffering accordingly. And in case any officer shall knowingly receive and entertain such non-commissioned officer or soldier, or shall not, after his being discovered to be a deserter, immediately confine him and give notice thereof to the corps in which he last served, the said officer shall, by a court martial, be cashiered.

Advising desertion.

Art. 23. Any officer or soldier who shall be convicted of having advised or persuaded any other officer or soldier to desert the service of the United States, shall suffer death, or such other punishment as shall be inflicted upon him by the sentence of a court martial.

Reproachful speeches.

Art. 24. No officer or soldier shall use any reproachful or provoking speeches or gestures to another, upon pain, if an officer, of being put in arrest; if a soldier, confined, and of asking pardon of the party offended, in the presence of his commanding officer.

Duelling.

Art. 25. No officer or soldier shall send a challenge to another officer or soldier, to fight a duel, or accept a challenge, if sent, upon pain, if a com-

missioned officer, of being cashiered; if a non-commissioned officer or soldier, of suffering corporeal punishment, at the discretion of a court martial.

Officers commanding guards, suffering persons to go forth to fight, and also seconds, to be deemed principals.

Art. 26. If any commissioned, or non-commissioned officer commanding a guard, shall knowingly or willingly suffer any person whatsoever to go forth to fight a duel, he shall be punished as a challenger; and all seconds, promoters and carriers of challenges, in order to duels, shall be deemed principals, and punished accordingly. And it shall be the duty of every officer, commanding an army, regiment, company, post or detachment, who is knowing to a challenge being given or accepted by any officer, non-commissioned officer or soldier, under his command, or has reason to believe the same to be the case, immediately to arrest and bring to trial such offenders.

Commanding officer to arrest all persons intending to fight a duel.

All officers to part and quell quarrels and disorders.

Art. 27. All officers, of what condition soever, have power to part and quell all quarrels, frays and disorders, though the persons concerned should belong to another regiment, troop or company; and either to order officers into arrest, or non-commissioned officers or soldiers into confinement, until their proper superior officers shall be acquainted therewith; and whosoever shall refuse to obey such officer, (though of an inferior rank,) or shall draw his sword upon him, shall be punished at the discretion of a general court martial.

Officer or soldier upbraiding another for refusing to fight, to be punished as a challenger.

Art. 28. Any officer or soldier, who shall upbraid another for refusing a challenge, shall himself be punished as a challenger, and all officers and soldiers are hereby discharged from any disgrace or opinion of disadvantage, which might arise from their having refused to accept of challenges, as they will only have acted in obedience to the laws, and done their duty as good soldiers, who subject themselves to discipline.

Sutler keeping open shops at improper times.

Art. 29. No suttler shall be permitted to sell any kind of liquors or victuals, or to keep their houses or shops open for the entertainment of soldiers, after nine at night, or before the beating of the reveilles, or upon Sundays, during divine service or

sermon, on the penalty of being dismissed from all future suttling.

Suttlers to supply good articles, and at reasonable prices.

Art. 30. All officers commanding in the field, forts, barracks, or garrisons of the United States, are hereby required to see that the persons permitted to suttle, shall supply the soldiers with good and wholesome provisions, or other articles, at a reasonable price, as they shall be answerable for their neglect.

Officers not to make or suffer, any exactions on suttlers, nor to be interested in the sale of any articles for the use of the soldiers.

Art. 31. No officer commanding in any of the garrisons, forts or barracks of the United States, shall exact exorbitant prices for houses or stalls let out to suttlers, or connive at the like exactions in others; nor by his own authority, and for his private advantage, lay any duty or imposition upon, or be interested in the sale of any victuals, liquors, or other necessaries of life, brought into the garrison, fort or barracks, for the use of the soldiers, on the penalty of being discharged from the service.

Officers commanding shall keep good order, redress all abuses, grievances, and disorders.

Art. 32. Every officer, commanding in quarters, garrisons, or on the march, shall keep good order, and, to the utmost of his power, redress all abuses or disorders, which may be committed by any officer or soldier under his command: if, upon complaint made to him, of officers or soldiers beating, or otherwise ill treating any person; of disturbing fairs or markets, or of committing any kinds of riots, to the disquieting of the citizens of the United States, he, the said commander, who shall refuse or omit to see justice done to the offender or offenders, and reparation made to the party or parties injured, as far as part of the offender's pay shall enable him or them, shall, upon proof thereof, be cashiered, or otherwise punished, as a general court martial shall direct.

Officers or soldiers accused of crimes or of offences against citizens of the United States, to be delivered over upon application to civil magistrate.

Art. 33. When any commissioned officer or soldier shall be accused of a capital crime, or of having used violence, or committed any offence against the persons or property of any citizen of any of the United States, such as is punishable by the known laws of the land, the commanding officer, and officers of every regiment, troop, or company,

to which the person or persons, so accused, shall belong, are hereby required, upon application duly made by, or in behalf of, the party or parties injured, to use their utmost endeavors to deliver over such accused person or persons, to the civil magistrate, and likewise to be aiding and assisting to the officers of justice in apprehending and securing the person or persons so accused, in order to bring him or them to trial. If any commanding officer or officers, shall wilfully neglect, or shall refuse, upon the application aforesaid, to deliver over such accused person or persons, to the civil magistrates, or to be aiding and assisting to the officers of justice, in apprehending such person or persons, the officer or officers, so offending, shall be cashiered.

Complaints of officers thinking themselves wronged, to be examined into by commanding general.

Art. 34. If any officer shall think himself wronged by his colonel, or the commanding officer of the regiment, and shall, upon due application being made to him, be refused redress, he may complain to the general commanding in the state or territory where such regiment shall be stationed, in order to obtain justice; who is hereby required to examine into the said complaint, and take proper measures for redressing the wrong complained of, and transmit, as soon as possible, to the Department of War, a true state of such complaint, with the proceedings had thereon.

Complaints soldiers, thinking themselves wronged, to be examined into by regimental courts martial.

Art. 35. If any inferior officer or soldier, shall think himself wronged by his captain, or other officer, he is to complain thereof to the commanding officer of the regiment, who is hereby required to summon a regimental court martial, for the doing justice to the complainant; from which regimental court martial either party may, if he thinks himself still aggrieved, appeal to a general court martial. But if, upon a second hearing, the appeal shall appear vexatious and groundless, the person so appealing, shall be punished at the discretion of the said court martial.

Embezzlement, waste, or neglect of public property.

Art. 36. Any commissioned officer, store-keeper, or commissary, who shall be convicted at a general court martial, of having sold, without a proper

order for that purpose, embezzled, misapplied, or wilfully, or through neglect, suffered any of the provisions, forage, arms, clothing, ammunition or other military stores, belonging to the United States to be spoiled or damaged, shall, at his own expense, make good the loss or damage, and shall, moreover, forfeit all his pay, and be dismissed from the service.

Neglect or waste of ammunition.

Art. 37. Any non-commissioned officer or soldier, who shall be convicted at a regimental court martial, of having sold, or designedly, or through neglect, wasted the ammunition delivered out to him, to be employed in the service of the United States, shall be punished at the discretion of such court.

Sale, loss, or damage of horse, arms, clothing, or accoutrements.

Art. 38. Every non-commissioned officer or soldier, who shall be convicted before a court martial of having sold, lost or spoiled, through neglect, his horse, arms, clothes, or accoutrements, shall undergo such weekly stoppages (not exceeding the half of his pay) as such court martial shall judge sufficient, for repairing the loss or damage; and shall suffer confinement, or such other corporeal punishment as his crime shall deserve.

Embezzlement or misapplication of public monies.

Art. 39. Every officer who shall be convicted before a court martial, of having embezzled, or misapplied, any money with which he may have been entrusted, for the payment of the men under his command, or for enlisting men into the service, or for other purposes, if a commissioned officer, shall be cashiered, and compelled to refund the money; if a non-commissioned officer, shall be reduced to the ranks, be put under stoppages until the money be made good, and suffer such corporeal punishment as such court martial shall direct.

Captains of companies accountable for the arms, &c. of their companies.

Art. 40. Every captain of a troop, or company, is charged with the arms, accoutrements, ammunition, clothing, or other warlike stores, belonging to the troop or company under his command, which he is to be accountable for to his colonel, in case of their being lost, spoiled, or damaged, not by unavoidable accidents, or on actual service.

Art. 41. All non-commissioned officers and soldiers who shall be found one mile from the camp, without leave in writing, from their commanding officer, shall suffer such punishment as shall be inflicted upon them by the sentence of a court martial. Non-commissioned officers and soldiers found 1 mile from camp, without written permission.

Art. 42. No officer or soldier shall lie out of his quarters, garrison, or camp, without leave from his superior officer, upon penalty of being punished according to the nature of his offence, by the sentence of a court martial. No officer or soldier to lie out of his quarters without leave.

Art. 43. Every non-commissioned officer and soldier shall retire to his quarters or tent, at the beating of the retreat; in default of which he shall be punished according to the nature of his offence. Non-commissioned officers and soldiers to repair at retreat beating.

Art. 44. No officer, non-commissioned officer, or soldier, shall fail in repairing, at the time fixed, to the place of parade, of exercise, or other rendezvous, appointed by his commanding officer, if not prevented by sickness, or some other evident necessity; or shall go from the said place of rendezvous, without leave from his commanding officer, before he shall be regularly dismissed or relieved, on the penalty of being punished according to the nature of his offence by the sentence of a court martial. Officers or soldiers neglecting to appear on parade or exercise, or quitting the same without leave.

Art. 45. Any commissioned officer who shall be found drunk, on his guard, party, or other duty, shall be cashiered. Any non-commissioned officer or soldier so offending, shall suffer such corporeal punishment as shall be inflicted by the sentence of a court martial. Drunkenness on duty.

Art. 46. Any centinel who shall be found sleeping upon his post, or shall leave it before he shall be regularly relieved, shall suffer death, or such other punishment as shall be inflicted by the sentence of a court martial. Sleeping on post.

Art. 47. No soldier belonging to any regiment, troop or company, shall hire another to do his duty for him, or be excused from duty, but in cases of sickness, disability, or leave of absence; and every such soldier found guilty of hiring his duty, as also Soldier hiring another to do his duty.

the party so hired to do another's duty, shall be punished at the discretion of a regimental court martial.

Officers and non-commissioned officers conniving at, or allowing, hiring of duty.

Art. 48. And every non-commissioned officer, conniving at such hiring of duty aforesaid, shall be reduced; and every commissioned officer, knowing and allowing such ill practices in the service, shall be punished by the judgment of a general court martial.

Officers occasioning false alarms.

Art. 49. Any officer belonging to the service of the United States, who, by discharging of fire-arms, drawing of swords, beating of drums, or by any other means whatsoever, shall occasion false alarms in camp, garrison, or quarters, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Officer or soldier quitting his guard or platoon, without leave.

Art. 50. Any officer or soldier, who shall, without urgent necessity, or without the leave of his superior officer, quit his guard, platoon or division, shall be punished according to the nature of his offence, by the sentence of a court martial.

Violence to persons bringing provisions or other necessaries into camp.

Art. 51. No officer or soldier shall do violence to any person who brings provisions or other necessaries to the camp, garrison or quarters, of the forces of the United States, employed in any parts out of the said states, upon pain of death, or such other punishment as a court martial shall direct.

Misbehaviour before the enemy.

Art. 52. Any officer or soldier who shall misbehave himself before the enemy, run away, or shamefully abandon any fort, post or guard, which he or they may be commanded to defend, or speak words inducing others to do the like, or shall cast away his arms and ammunition, or who shall quit his post or colors to plunder and pillage, every such offender being duly convicted thereof, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

Giving watch-word to persons not entitled thereto or giving parole or watch word different from the one received.

Art. 53. Any person belonging to the armies of the United States, who shall make known the watch-word to any person who is not entitled to receive it, according to the rules and discipline of war, or shall presume to give a parole or watch-word differ-

ent from what he received, shall suffer death, or such other punishment as shall be ordered by the sentence of a general court martial.

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of either corps, who may be present, and duly authorised, shall be received and obeyed.

Duties of judge advocate.

Art. 69. The judge advocate, or some person deputed by him or by the general, or officer commanding the army, detachment, or garrison, shall prosecute in the name of the United States, but shall so far consider himself as counsel for the prisoner, after the said prisoner shall have made his plea, as to object to any leading question to any of the witnesses, or any question to the prisoner, the answer to which might tend to criminate himself; and administer to each member of the court, before they proceed upon any trial, the following oath, which shall also be taken by all members of the regimental and garrison courts martial:

Oath of the members of a court martial.

"You, A. B., do swear, that you will well and truly try and determine, according to evidence, the matter now before you, between the United States of America, and the prisoner to be tried, and that you will duly administer justice, according to the provisions of 'An act establishing rules and articles for the government of the armies of the United States,' without partiality, favor, or affection; and if any doubt shall arise, not explained by said articles, according to your conscience, the best of your understanding, and the custom of war in like cases; and you do further swear, that you will not divulge the sentence of the court until it shall be published by the proper authority; neither will you disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice, in a due course of law. So help you God."

And as soon as the said oath shall have been administered to the respective members, the president of the court shall administer to the judge advocate, or person officiating as such, an oath in the following words;

Oath of judge advocate.

"You A. B., do swear, that you will not disclose or discover the vote or opinion of any particular member of the court martial, unless required to give evidence thereof as a witness, by a court of justice,

in due course of law; nor divulge the sentence of the court to any but the proper authority, until it shall be duly disclosed by the same.—*So help you God.*"

Prisoner refusing to plead.

Art. 70. When a prisoner, arraigned before a general court martial, shall, from obstinacy and deliberate design, stand mute or answer foreign to the purpose, the court may proceed to trial and judgment as if the prisoner had regularly pleaded not guilty.

Challenge to a member.

Art. 71. When a member shall be challenged by a prisoner, he must state his cause of challenge, of which the court shall, after due deliberation, determine the relevancy or validity, and decide accordingly; and no challenge to more than one member at a time shall be received by the court.

Members in giving votes to begin with the youngest.

Art. 72. All the members of a court martial are to behave with decency and calmness; and in giving their votes, are to begin with the youngest in commission.

Oath of a witness.

Art. 73. All persons who give evidence before a court martial, are to be examined on oath or affirmation in the following form: "You swear or affirm (as the case may be) the evidence you shall give in the cause now in hearing shall be the truth, the whole truth, and nothing but the truth. *So help you God.*"

Deposition of witnesses.

Art. 74. On the trials of cases not capital, before courts martial, the deposition of witnesses not in the line or staff of the army, may be taken before some justice of the peace, and read in evidence: provided, the prosecutor and person accused are present at the taking the same, or are duly notified thereof.

Officers not to be tried, but by general court martial: Proceedings not to be carried on, except between 8 A. M. and 3 P. M.

Art. 75. No officer shall be tried but by a general court martial, nor by officers of an inferior rank, if it can be avoided: nor shall any proceedings or trials be carried on excepting between the hours of eight in the morning, and three in the afternoon, excepting in cases, which, in the opinion of the officer appointing the court martial, require immediate example.

No person shall use menacing words or gestures, or disturb a court martial.

Art. 76. No person whatsoever shall use any menacing words, signs, or gestures, in presence of a court martial, or shall cause any disorder or riot, or disturb their proceedings, on the penalty of being punished at the discretion of the said court martial.

Arrests of officers.

Art. 77. Whenever any officer shall be charged with a crime, he shall be arrested and confined in his barracks, quarters, or tent, and deprived of his sword, by the commanding officer. And any officer who shall leave his confinement before he shall be set at liberty by his commanding officer or by a superior officer, shall be cashiered.

Arrest or confinement of non-commissioned officers or soldiers.

Art. 78. Non-commissioned officers and soldiers, charged with crimes, shall be confined, until tried by a court martial, or released by proper authority.

Persons in arrest, not to be kept in confinement more than eight days.

Art. 79. No officer or soldier who shall be put in arrest, shall continue in confinement more than eight days, or until such time as a court martial can be assembled.

Officer of a guard or provost marshal to receive and keep prisoners.

Art. 80. No officer commanding a guard, or provost martial, shall refuse to receive or keep any prisoner committed to his charge, by an officer belonging to the forces of the United States; provided the officer committing, shall, at the same time, deliver an account in writing, signed by himself, of the crime with which the said prisoner is charged.

Prisoners not to be released without proper authority.

Art. 81. No officer commanding a guard, or provost martial, shall presume to release any person committed to his charge, without proper authority for so doing, nor shall he suffer any person to escape, on the penalty of being punished for it by the sentence of a court martial.

Names of prisoners to be reported to the commanding officer.

Art. 82. Every officer or provost martial, to whose charge prisoners shall be committed, shall, within twenty-four hours after such commitment, or as soon as he shall be relieved from his guard, make report in writing, to the commanding officer, of their names, their crimes and the names of the officers who committed them, on the penalty of being punished for disobedience or neglect, at the discretion of a court martial.

Art. 83. Any commissioned officer convicted before a general court martial of conduct unbecoming an officer and a gentleman, shall be dismissed the service. Conduct unbecoming an officer and a gentleman.

Art. 84. In cases where a court martial may think it proper to sentence a commissioned officer to be suspended from command, they shall have power also to suspend his pay and emoluments for the same time, according to the nature and heinousness of the offence. Suspension.

Art. 85. In all cases where a commissioned officer is cashiered for cowardice or fraud, it shall be added in the sentence, that the crime, name and place of abode and punishment of the delinquent, be published in the newspapers in and about the camp, and of the particular state from which the offender came, or where he usually resides, after which, it shall be deemed scandalous for an officer to associate with him. The name and crime of officers cashiered for cowardice or frauds, to be published in the newspapers.

Art. 86. The commanding officer of any post or detachment, in which there shall not be a number of officers adequate to form a general court martial, shall, in cases which require the cognizance of such a court, report to the commanding officer of the department, who shall order a court to be assembled at the nearest post or detachment, and the party accused, with necessary witnesses, to be transported to the place where the said court shall be assembled. Cases where there is not a sufficient number of officers to form a general court martial.

Art. 87. No person shall be sentenced to suffer death, but by the concurrence of two thirds of the members of a general court martial, nor except in the cases herein expressly mentioned; nor shall more than fifty lashes be inflicted on any offender, at the discretion of a court martial;* and no officer, non-commissioned officer, soldier, or follower of the army, shall be tried a second time for the same offence. Sentences of death to have the concurrence of two thirds of the members. No person tried a second time for same offence.

Art. 88. No person shall be liable to be tried and punished by a general court martial for any offence which shall appear to have been committed No person to be tried for offence committed more than two years.

* Punishment by stripes or lashes abolished. See section 7, act of May 16, 1812.

more than two years before the issuing of the order for such trial, unless the person, by reason of having absented himself, or some other manifest impediment, shall not have been amenable to justice within that period.

Officers authorised to order a court martial may pardon, mitigate, or suspend, its sentences.

Art. 89. Every officer authorised to order a general court martial, shall have power to pardon or mitigate any punishment ordered by such court, except the sentence of death, or of cashiering an officer; which, in the cases where he has authority (by article 65) to carry them into execution, he may suspend, until the pleasure of the President of the United States can be known; which suspension, together with copies of the proceedings of the court martial, the said officer shall immediately transmit to the President, for his determination. And the colonel or commanding officer of the regiment or garrison, where any regimental or garrison court martial shall be held, may pardon or mitigate any punishment ordered by such court to be inflicted.

Judge advocates of general courts martial, to transmit proceedings and sentences to the Secretary of war.

Art. 90. Every judge advocate, or person officiating as such at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial, to the secretary of war, which said original proceedings and sentence shall be carefully kept and preserved in the office of said secretary, to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

Party tried, entitled to a copy of the proceedings.

The party tried by any general court martial shall, upon demand thereof made by himself or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

Courts of inquiry.

Art. 91. In cases where the general or commanding officer may order a court of enquiry to examine into the nature of any transaction, accusation or imputation, against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge advocate, or other suita-

ble person as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross-examine and interrogate the witnesses, so as to investigate fully the circumstances in the question.

Courts of inquiry.

Art. 92. The proceedings of a court of inquiry, must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer, and the said proceedings may be admitted as evidence by a court martial, in cases not capital, or extending to the dismission of an officer, provided that the circumstances are such, that oral testimony cannot be obtained. But as courts of enquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

Prohibited, unless directed by the President, or demanded by the accused.

Art. 93. The judge advocate, or recorder, shall administer to the members the following oath:

Oath of members of court of inquiry.

"You shall well and truly examine and enquire according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice, or hope of reward. *So help you God.*"

After which the president shall administer to the judge advocate, or recorder, the following oath:

Oath of the recorder.

"You A. B., do swear, that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. *So help you God.*"

Oath of witnesses.

The witnesses shall take the same oath as witnesses sworn before a court martial.

An inventory of the effects of any officer who shall die,

Art. 94. When any commissioned officer shall die or be killed in the service of the United States,

to be made & transmitted to the War Office.

the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage, then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the Department of War, to the end, that his executors or administrators may receive the same.

An inventory of the effects of any non-commissioned officer or soldier who shall die to be made and transmitted to the War Office.

Art. 95. When any non-commissioned officer or soldier shall die or be killed in the service of the United States, the then commanding officer of the troop or company, shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms and accoutrements, and transmit the same to the office of the Department of War; which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer or soldier. And in case any of the officers, so authorised to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposite in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

All persons whatever in the artillery or engineers, subject to these rules and articles.

Art. 96. All officers, conductors, gunners, matrosses, drivers, or other persons whatsoever, receiving pay or hire, in the service of the artillery or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Militia, and others, in pay of the United States, subject to these rules [illegible]

Art. 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times, and in all

places, when joined, or acting in conjunction, with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces; save, only, that such courts martial shall be composed entirely of militia officers. Militia officers to be tried by militia officers.

Art. 98. All officers, serving by commission from the authority of any particular state, shall, on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank, next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States. Militia officers to take rank next after all Officers of the same grade in the army.

Art. 99. All crimes, not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion. Crimes, not capital, and all disorders and neglects, though not herein mentioned, to be taken cognizance of.

Art. 100. The President of the United States shall have power to prescribe the uniform of the army. President to prescribe the uniform.

Art. 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop or company, mustered or to be mustered in the service of the United States, and are to be duly observed and obeyed by all officers and soldiers who are, or shall be in said service. These articles to be read every six months.

Sect. 2. *And be it further enacted*, That in time of war, all persons not citizens of, or owing allegiance to the United States of America, who shall be found lurking as spies, in or about the fortifications or encampments of the armies of the United States, or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court martial. Persons not citizens, lurking as spies.

Repealing clause.

Sect. 3. *And be it further enacted*, That the rules and regulations, by which the armies of the United States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them, prior to the promulgation of this act, at the several posts and garrisons respectively, occupied by any part of the army of the United States.

[*Approved April* 10, 1806.]

Punishment by stripes or lashes abolished.

Extract of an act passed 16*th May*, 1812.

Sect. 7. *And be it further enacted*, That so much of the "Act for establishing rules and articles for the government of the armies of the United States," as authorises the infliction of corporeal punishment, by stripes or lashes, be, and the same is hereby repealed.

ARMY REGULATIONS.

Rank of Regiments.

1st. The light artillery.
2d. *The light dragoons.*
3d. The foot artillery.
4th. The infantry, } According to the numbers of the re-
5th. The riflemen, } giments respectively.
6th. The volunteers in the service of the United States, and, } According to the numbers given to them respectively, by the general commanding.
7th. The militia drafts, } According to the numbers given to them respectively, by the general commanding.

This regulation is confined to parades. On all other occasions, regiments will be drawn up in the way which shall be directed by the general, or other commanding officer.

Rank of Officers.

In all cases in which command shall not have been specially given, the eldest officer, whether of artillery, infantry, or riflemen, will command.

Where a controversy concerning rank shall arise, from the sameness of date in commissions, it shall be determined by reference to former commissions in the regular service.

Brevet rank gives no command, except on detachments: nor will persons having such rank only, be included in the roster of officers for any duty, other than that performed by detachments, and to which they shall be specially assigned.

Where officers of different regiments of infantry, or other corps, meet as members of the same court martial, brevet rank will be exercised, and the same rule will apply to officers on detachment (conformably to the 61st article of the rules and articles of war) which extends to temporary service only, and not to the regular command of departments, permanent posts, and garrisons: but brevet command may be exercised therein by the assignment of the commanding general, upon special and temporary occasions.

Commissions in the general staff confer no rank to officers of the line, when they cease to exercise staff duties, by virtue of such commissions.

There is no precedence between staff departments. The officers assigned to these, will take rank from the brevets they hold.

Officers of the regular army, of the same grade with those of the volunteers and militia, have precedence of these, whatever may be the dates of their respective commissions.

Principles governing the decision of Rank.

1st. Rank in actual service, when appointed.

2d. Former rank and service in the army, or marine corps, of the United States.

3d. Lottery—among such as have not before been in the military service of the United States.

When controversies arise, on the interpretation and application of the rules and regulations for the government of the army, in relation to rank, the commanding officer of the division or department where such controversy may occur, is authorised and directed to institute a court of inquiry, or board of officers, whose duty it shall be to examine and report opinions on the cases respectively coming before them; which opinions will be transmitted to the adjutant and inspector general's office, for the approval of the War Department.

Rules with regard to promotion and transfer.

1. Original vacancies will be supplied by selection; accidental vacancies by seniority, excepting in extraordinary cases.

2. Promotions to the rank of captain, will be made regimentally; to that of field appointments, by line; the light artillery, artillery, infantry, and riflemen, being kept always distinct.

3. No officer will be entitled to the pay, rations, or emoluments, annexed to any office, until he shall have notice of his appointment thereto from the War Department; or from a general officer, with respect to appointments in the gift of generals.

When an officer is officially advised of promotion, he may receive the difference of pay and emoluments from the date of his promotion.

The transfer of officers will only be made by the War Department, in general orders, on the mutual application of officers, and in no case will an officer of any regiment or corps be put into another, where the transfer would prejudice the rank of any officer in such regiment or corps; and whenever officers are so transferred, the order for their change of stations shall specify the fact, and shall not entitle them to transportation of baggage.

Rank between Army and Navy Officers.

Commodores of squadrons, being captains,	Brigadier Generals.
Captains, - - - - - -	Colonels.
Masters Commandants, - - -	Majors.
Lieutenants, - - - - -	Captains.

The rank and precedence of sea officers, as above stated, will take place according to the seniority of their respective commissions. Captains, not having an actual command as commodores, will rank only as colonels; and if commanding a vessel of inferior class than that to which they are by law entitled, will rank only as majors, unless the combined force under the command of any such captain shall equal that to which a captain in the navy is entitled, in which case he shall rank as a colonel.

This arrangement is not to give any pretence to land officers to command any part of the naval force of the United States, nor to sea officers to command any part of the army of the United States; nor shall either have a right to demand the compliments due to their respective rank. Commodores of the flotilla service will have the rank of colonels only.

Compliments to be paid by the Troops.

The highest military honors are payable to the President and Vice President of the United States, whether in uniform or not.

To the Secretary of War, to Major Generals commanding districts, or corps of the army, and to governors of states, when in uniform, the same honors will be paid, with this ex-

ception, that to them the standards of the cavalry will not be dropped in saluting.

All other Major Generals are entitled to three ruffles of the drum, with presented arms, and to the dropping of all colors other than the standards.

Brigadier Generals commanding districts or corps of the army, are entitled to the honors payable to Major Generals not commanding in chief.

All other Brigadiers are entitled to two ruffles of the drum and presented arms.

To Colonels, the guards of their own regiments turn out and present their arms, once a day; after which, they only turn out with ordered arms.

To Lieutenant Colonels and Majors, their own guards turn out with ordered arms, once a day.

When a Lieutenant Colonel or Major shall command a regiment, their own quarter guards pay them the compliments due to a Colonel.

When a general, or other officer, entitled to a salute, shall pass in the rear of a guard, it will not face about, but stand with shouldered arms.

When a general, or other officer, entitled to a salute, shall pass guards while in the act of relieving, both guards will salute, taking the word of command from the senior officer of the two.

Military compliments are to be paid to officers of the navy, when in uniform, agreeably to their relative rank.

All guards are to be under arms when an armed party approaches their posts, and to parties commanded by a commissioned officer, they will present arms and beat a march, and the officers will salute.

The colors of a regiment, passing any guard, will be saluted, the drums of the regiment saluting in turn.

When two regiments meet on a march, the regiment of inferior rank will halt, form, and salute the other, which proceeds on its march, with swords drawn, bayonets fixed, trumpets sounding, drums beating, and colors flying, until it shall have cleared the front of the latter regiment.

All regiments marching with standards or colors, have claim to the compliments of any regiment they may meet on their march, not having standards or colors, without regard to the rank of the particular corps.

Salutes.

The national salutes shall be conformable to the number of states composing the Union.

A national salute shall be fired on a visit to the post from the President of the United States.

Fifteen guns shall be fired on a visit from the Vice-President, the Secretary of War, Secretary of the Navy, a Major General of the army, and thirteen guns on that of a Brigadier General, when commanding a district. No other person shall be entitled to salutes, and no salutes will be fired to any person, but on his arrival.

No salutes shall be fired to foreign ships or vessels of war, but in return, and in every case their salute shall be returned gun for gun, notice being given.

No salutes shall be fired to public armed vessels of the United States, under the rate of a frigate, and to these only in return, gun for gun, notice being given.

At one o'clock, on the fourth day of July, of each year, a national salute will be fired from all the military posts and forts in the United States. Salutes shall not be fired from guns of higher caliber than twelve pounders.

Staff of the Army.

The general orders of the executive, and the military correspondence of the War Department, relative to details of service, will be through the Adjutant and Inspector General's Office; and all communications connected with army detail, the recruiting service, reports, returns, courts martial, rank of officers, furloughs, discharges, and the redress of grievances, will be made to the department in the same way.

Duties of Adjutants General.

These will be divided under the following heads, viz

Distribution of orders.

Details of service.

Instruction of the troops in the manuel exercise, and the evolutions and arrangement of them when brought into action; and,

Direction of the military correspondence.

1. *Distribution of Orders.*

The general orders of the day, having been received from the commanding general, the adjutant general, or his assistant will carry them to the office of distribution, where they will be recorded, in a book kept for that purpose, whence, at an hour which shall have been previously assigned, they will be transcribed by the aids de camp of general officers, by the adjutants of all separate corps, by a deputy or assistant deputy quarter-master general, by a surgeon's mate, detailed for that duty by the senior surgeon, and some commissioned officer from each corps of engineers; and when so transcribed they will be carried, without delay, to the corps to which these officers respectively belong, and be there promulgated, under the orders of the officers commanding the corps, and become to them a rule of conduct.

2. *Details of service.*

These shall be made agreeably to prescribed rules and the usage of war.

All corps will furnish according to their strength—the longest off duty, the first on duty. When it may be found practicable, the troops are to act by companies, battalions, or regiments.

Return detachments will not be excused from duty more than two days.

Seniority of corps, with respect to troops and priority of rank, with respect to officers, will entitle to precedence for command; subject to deviations under the orders of the commanding general.

In details the following gradations will govern:

1. Reconnoitering parties, and corps of observation.
2. Foraging before the enemy.
3. Detachments and outposts.
4. Guards of trenches.
5. Van guards in approaching an enemy.
6. Rear guards in retiring from an enemy.
7. General courts martial.
8. Guard of the general commanding in chief.
9. Camp or garrison guards.
10. Other guards mounted from the grand parade.

11. Guards of general officers and the staff, according to rank.

12. Pickets.

13. General fatigues.

14. Police.

In the routine of duty, the law of detail will always give it to the officer longest off duty, and when two have been credited with the same grade of service, on the same day, reference to the former tour on the roster will determine the detail.

Should a tour of service of higher grade occur to an officer, while on any subordinate duty, he shall be relieved, and the tour on which he is, be passed to his credit.

If an officer's tour for general court martial, picket, or fatigue occur, while he is on any other duty from the grand parade, he shall not be relieved, but stand for the next tour.

3. *Instruction of the troops.*

This shall be governed by circumstances, as to time, place, and frequency; of which the commanding general will judge. The mode of infantry discipline, adopted by regulation of the War Department, will be observed.

4. *Military Correspondence.*

Reports of services performed, and demands for courts of inquiry, or courts martial, will be made through the adjutant general of division or department. Returns, intended to exhibit the strength of corps, made agreeably to the 19th article of war, and accounting for the absent non-commissioned officers, musicians and privates, will be addressed to the adjutant general of division, from which he will make out a general return, agreeably to the forms prescibed, to be transmitted quarterly to the Adjutant and Inspector General's Office, for the information of the War Department. These returns will exhibit regiments and detachments of regiments and corps, separately; by number, if regiments, and by name, if corps, and also the strength of each post and garrison within the division. Reports of the hospital and of the quarter-master's departments; and of ordnance and of ordnance stores, attached to the army, will also be transmitted to the Adjutant and Inspector General through the adjutant general of division.

Returns of ordnance and ordnance stores, will be made agreeably to forms furnished by the colonel of ordnance.

Departures from forms, and inattention to regulations, will be regarded and punished as acts of positive disobedience.

The original proceedings of all general courts martial, ordered by the War Department, will be transmitted to the Adjutant and Inspector General's Office, by the judge advocate of the court. Whenever a court martial is appointed by a general or other officer commanding an army or district, the judge advocate will lay before the officer ordering the same, the whole proceedings of the court; and it is made the duty of the adjutant general, or officer doing that duty, to transmit all such original proceedings to the Adjutant and Inspector General's Office, as soon as practicable, with a copy of the order of confirmation or disapproval. On application, (for that purpose,) a suitable non-commissioned officer or private will be detailed as a clerk to the judge advocate of any general court martial.

The proceedings of all courts martial will be made on *letter paper*, to preserve a uniformity in the records. The record of the trial of an officer, will not include the trial of a non-commissioned officer, musician, or private. The trial of a soldier, sentenced capitally, will also be recorded separately, and the record reported accordingly.

Duties of Inspectors General.

These will be divided under the following heads, viz:

Mustering and inspecting troops of the line, and militia detachments serving with them.

Selecting places of encampment, and posting guards.

Superintending the police of the camp, and of the march.

Inspecting parades; and,

Making half-yearly confidential reports to the adjutant and inspector general's office, for the information of the War Department, of the state of the army, division, or detachment, to which they belong.

1. *Mustering and inspecting the troops of the line, and militia detachments.*

Troops of all descriptions shall be mustered once in two months, for payment, nor shall any payment be made but upon muster rolls, signed by an inspector general, or his as-

sistant, or in the absence of these, by some officer of the army of the United States, especially assigned to this duty by the general or other officer, commanding the department in which the said troops, so mustered, shall be.

Two muster rolls of each company, or detachment of a company, are to be furnished to the paymaster; and none except the semi-annual muster rolls, to be made on the 30th of June, and 31st of December, in each year, showing all casualties which have occurred within the time for which the muster is made, will be forwarded to the Adjutant and Inspector General's Office.

An officer of each regiment, station, garrison, or post, will be designated in department orders, to muster the men, and sign the rolls at the regular periods, when no inspector is present for that purpose. A copy of the order, designating the time for such musters, will be furnished to the regimental and battalion paymasters, assigned to pay the troops.

Whenever a muster shall be made of any company, or detachment of a company, of the regular army, for the purpose of pay, (which musters are directed to take place every two months, and which shall show the place and date of muster,) an inspection will at the same time be made of such company or detachment, and a return, agreeably to the form prescribed, will be transmitted, to the Adjutant and Inspector General's Office.

Inspections of the troops are of two kinds—stated and occasional. The former shall take place monthly, and (when practicable) on the last day of each month; the latter as often as the general, or other officer, commanding the department may think proper. The general object of both, shall be, to ascertain the exact state of the arms, equipments, and clothing, and of every other circumstance tending to show the actual condition of the troops so inspected.

All horses belonging to the public, will also be subjects of inspection; those unfit for service, will be branded in the presence of the inspecting officer, with the letter C, and immediately transferred to the quarter master general's department, for public sale; nor shall any horse, so branded, be thereafter accepted by any inspecting officer. Returns of cast horses will be made quarterly.

2. *Superintending the police of the camp and of the march.*

It will be the duty of this department, to designate all guards for the security and good order of the camp; to take charge of all prisoners made by these, or otherwise; to examine and report the several cases to the commanding general; and to take his orders in relation to their future disposal; to inspect the state of tents, barracks, and hospitals; to punish any want of care or cleanliness therein; to regulate all sutlers and markets, within any camp, cantonment, or garrison; and to inspect and enforce the order of march, and to punish all infractions of it.

3. *Inspecting parades.*

The troops detailed from each regiment, for the service of the day, will be brought to the parade ground of the brigade, under the command of the senior officer present, and on duty; these detachments will there be embodied and marched to the ground of division parade, accompanied by the adjutant of the day, under command of the senior officer; the whole will then be marched as aforesaid, to the ground of general parade, where they will be received by an inspector, or assistant inspector general, reviewed and detached for the service of the day.

4. *Selecting places for encampment, and posting guards.*

This duty shall be performed under the directions of the commanding general, and the inspector, in performing it, shall call to his aid an officer from each corps of engineers.

5. *Making half yearly confidential reports for the War Department.*

These reports will relate to the conduct of corps, and to that of individuals composing them. They shall be submitted to the general of division, and shall receive from him his remarks, in writing, before they are transmitted to the Adjutant and Inspector General's Office. They shall specify:

1st. The progress made by each corps or regiment in military discipline, in general, and, particularly, in a know-

ledge of the evolutions prescribed for the practice of the troops; in habits of obedience, and of attention to personal appearance, adhering to the prescribed uniform, and to the rules of interior economy.

2d. Whether the field and company officers respectively know their duty, and are able and willing to perform it? whether the subalterns are severally sober, active, and industrious, careful to acquire knowledge, and to communicate it to the non-commissioned officers and privates? whether the adjutant, quartermaster, and paymaster, are competent to the duties assigned to them? whether the regimental books are kept with accuracy and regularity? and whether the non-commissioned officers perform their duty with promptitude and effect?

3d. Whether the meat and bread furnished by contract, are of good quality? and whether these and other articles, composing the ration, are regularly issued?

4th. Whether the forage be good, and of sufficient quantity?

5th. Whether the hospital supplies and regulations be sufficient, and regularly dispensed, in the one case, and observed in the other?

6th. Whether there has been any irregularity in the proceedings of courts martial, or in the execution of sentences pronounced by them? and,

7th. The state of the ordnance and ordnance stores generally; whether the quantity of ammunition in store is sufficient, and well secured, and whether the ordnance department, the arms and equipments are in proper order?

On each of these heads there will be a special report, and in what may be said on the second, all possible frankness is expected. One motive the more to this, will be found in the solemn declaration of the government, that while it shall be its invariable practice to distinguish and to reward merit, of every description, and in every grade, all pretensions, not having that foundation, however propped and patronized by names, will be utterly disregarded.

Corps of Engineers.

The functions of the engineers being generally confined to the most elevated branch of military science, they are not

to assume, nor are they subject to be ordered on any duty beyond the line of their immediate profession, except by special authority through the War Department; and when so arranged, to other duties, either on detachment or otherwise, they will have precedence according to their commissions: which, at all times, entitle them to every mark of military respect.

Whenever an officer of engineers is sent to any military department, fortress, garrison, or post, a duplicate of his orders will be sent to the commanding officer, by the Adjutant and Inspector General, when the order is given by the War Department, and by the chief of engineers when the order is given by, or through him. On his arrival, the engineer shall communicate his orders, and will receive the necessary facilities for the accomplishment of the same, from the commanding officer. While so on duty, without being specially put under the direction of the commanding officer, the senior engineer present, will be furnished with copies of all orders and regulations of the command, relative to etiquette and police, and will be regularly served with the countersign of the post or garrison, when quartered within the chain of centinels. When leaving the limits of the department, or command, under orders, the engineer will report the same to the commandant.

Under the orders of the executive, the Engineer Department is charged with the direction of fortifications.

The duties of the Department will comprise:

1st. Military reconnoitrings, embracing surveys and examinations of the country, and surveys of sites that may be designated for defence, with maps and plans of the same.—These reconnoitrings, surveys, maps, and plans will be made from time to time by such engineers as may be assigned to those duties.

2d. Construction and repairs of works. See construction and disbursements, and duties of engineers.

3d. Inspections, which shall be made of all works when completed by such engineer, as may be designated by the chief engineer. Occasional inspections may be ordered upon works during their construction, if deemed necessary.

4th. Correspondence, including reports of inspection, and of reconnoitrings and surveys, accompanied by maps, plans and estimates, returns of public property in the possession

of engineers, to be made to the Engineer Department, on the 30th June and 31st December, in every year. Summaries of reports of reconnoitrings and surveys, to be forwarded through the War Department, for the use of generals commanding divisions.

5th. General direction of disbursements, which will embrace purchases of sites and materials, hiring workmen, purchases of books, maps and instruments, and contracts for the supplies of materials, and for workmanship.

Constructions and Disbursements.

There shall be detailed an engineer to superintend the construction of fortifications and as many assistants as may be deemed necessary.

Duties of Engineers.

Plans of the work which it is contemplated to construct, and such directions as may be thought necessary, shall be transmitted to the superintending engineer, with an order to construct the work agreeably thereto, and the superintending engineer shall be held responsible for the faithful execution of the work, agreeably to the plan. The superintending engineer shall make requisitions upon the agent of fortifications for such materials and workmen as he may deem necessary to construct the work.

An inspection of the materials shall be made by the engineer or assistant, as to quantity, quality and price, at the time the materials are delivered; upon this inspection, the materials may be received or rejected by the engineer. If received, a receipt for the materials shall be endorsed by the engineer upon the bills or parcels, which shall be the authority for the agent's disbursements.

Agents.

There shall be appointed as many agents of fortifications as the service may require, who shall give bond for the faithful discharge of their duties.

Duty of Agents.

They shall be governed by the orders of the Engineer Department, in the disbursement of the money placed in their

hands, and by the following instructions, in keeping and rendering their accounts:

1st. For all articles purchased, they will take bills of parcel, with fair and explicit receipts of the party from whom the purchase is made, and each bill, before payment, must be certified by the superintending engineer or assistant, that the article charged has been received; it results that the certificate must in all cases be dated.

2d. For all labor performed, a roll must be made out monthly, under the direction of the engineer or other officer superintending, in which each person's name must be inserted, the time he commenced and ended, the price per day, and the whole amount due him, with his receipt for the amount, opposite, and the roll must also be certified by the officer above named. If soldiers are employed, a separate roll must be made out, as per established regulations of the Secretary of War, of which the officers are apprized.

3d. A roll must also be made out monthly, and certified by the engineer or officer superintending, for the pay of all mechanics employed, as pointed out in the case of labor performed. From the foregoing vouchers, abstracts are to be made out, in which they are to be entered, according to their respective dates, and numbered in regular progression:—1st. "Abstract of articles purchased," to include all bills for articles purchased—2d. "Abstract of labour performed," to include the rolls receipted for, as directed—3d. "Abstract of pay of mechanics," to include all charges under that head; and—4th. "Abstract of contingent expenses," to include all other expenditures on account of fortifications, not above provided for. These abstracts, with the vouchers, regularly numbered and filed with each respectively, are to be forwarded to the Auditor, when the agent's accounts are directed to be rendered for settlement, accompanied by an account current, in which their respective amounts are to be entered to the debit of the United States, and all monies previously received are to be credited, and the balance due to or from the United States will be stated. As a general remark, it must be observed, that in all cases the payments of the agents must be accompanied by the certificate of the engineer or officer superintending the fortifications; and as much depends upon the correctness of the agent's accounts, it will be expected that the forms and instructions made known will be strictly attended to.

Duties of Topographical Engineers.

To make such surveys, and exhibit such delineation of these as the commanding general shall direct; to make plans of all military positions, (which the army may occupy,) and of their respective vicinities, indicating the various roads, rivers, creeks, ravines, hills, woods, and villages, to be found therein; to accompany all reconnoitering parties, sent out to obtain intelligence of the movements of the enemy, or of his positions, &c. to make sketches of their route, accompanied by written notices of every thing worthy of observation thereon; to keep a journal of every day's movement, when the army is in march, noticing the varieties of ground, of buildings, of culture, and the distances and the state of the roads, between given points, throughout the march of the day; and lastly, to exhibit the relative positions of the contending armies, on fields of battle, and the dispositions made, whether for attack or defence.

Quarter-master's Department.

The objects of this Department are, to ensure an efficient system of supply, and to give the utmost facility and effect to the movements and operations of the army.

The regulations and instructions for the department, are embraced under the following heads:

1. General instructions for the Department.
2. Table of allowances, regular and incidental.
3. Returns, statements, estimates, and reports required.
4. Forms of returns, reports, and statements required with forms of vouchers for disbursements, and for issues of regular supplies.

1. *General Instructions.*

1. The Quarter-master General will be stationed at the City of Washington, and will under the direction of the Secretary of War, have the control of the deputies, and assistants, and of all officers and agents acting in, or making disbursements on account of the Department, in every thing relating to the administrative branch of their duties, and their accountability. He will be allowed one assistant, and

as many subalterns, as may be necessary for the discharge of the duties of his office.

2. All communications relating to the duties of the Department, or to any branch or officer thereof, except from commanding generals of divisions or armies, shall be addressed to the Quarter-master General.

3. It shall be the duty of the Quarter-master General, to make himself acquainted with the frontiers, both maritime and interior, and with the avenues leading to the contiguous Indian and foreign territories; with the resources of the country in military supplies, and the means of transportation, particularly of the districts on the frontiers; with the most eligible points for concentrating troops and collecting supplies, whether in relation to offensive or defensive operations; with the relative expense of concentrating at particular positions, and the relative military advantages of those positions. It shall also be his duty to designate the routes of communication between different posts and armies, the course of military roads, and the sites for permanent and temporary depots of provisions and military stores.

The deputies, assistant deputies, regimental and battalion quarter-masters, are required to collect information in relation to all those points, and to make themselves acquainted with the state of the roads, the course and description of the rivers, and the most direct routes between the different military posts within their respective departments.

4. All deputies and assistants will be subject to the disposition of the generals, or other officers commanding divisions or departments.

5. Officers of the Quarter-master General's Department, will not be subject to detail; nor be employed on any other duties, than those of their department, except by order of the Secretary of War.

6. It shall be the duty of the officers of this department, to provide for the quartering and transporting of the troops, and for the transporting of all military stores, camp equipage and artillery; for opening and repairing roads, and constructing and repairing bridges, which may be necessary to the movements of the army, or any detachment thereof.

7. To provide good and sufficient storehouses for all military supplies, and for provisions deposited by the commissary general or his assistants, or under contract between individu-

als and the government, and to appoint storekeepers for the custody of said stores and provisions, or of any property of the public, which may be placed there.

8. To provide all forage, fuel, straw and stationery for the use of the troops, and to have the same transported and issued agreeably to the regulations; to purchase dragoon and artillery horses, and horses, oxen, waggons, carts, and boats for the transportation of baggage; to provide boards, plank, nails, and other materials for constructing and repairing barracks, hospitals, and bridges.

9. Officers of this department will receive from the departments of purchase, subsistence, and ordnance, all clothing camp equipage, provisions, arms, ammunition, and ordnance, and transport the same to the place of destination, and make distribution thereof agreeably to the direction given to the articles by the commissary general of purchases, the commissary general of subsistence, the chief of the corps of ordnance, or the general commanding the division or department to which they are destined.

10. Quarter-masters in the intermediate departments, between the places of receipt and delivery, will be held responsible for the safe and prompt transmission of all articles through their respective departments.

11. Articles for conveyance by this department, will be transported in bulk, and with each quantity of stores conveyed, the quarter-master of the post from which it is sent, shall, if he think it necessary, furnish a conductor, who shall have charge of it and for whose conduct, in the safe keeping and delivery thereof, the quarter-master shall be responsible.

12. All officers are prohibited from ordering purchases, or directing disbursements not provided for by the regulations of the War Department. But should any officer of the Quarter-master's Department be required to make disbursements or allowances not authorised by such regulations or by law, he shall submit to the officer ordering the same, a statement, in writing, of his opinion in regard to the law or regulations in the case: if the officer after receiving such statement, persist in requiring the allowance or disbursement to be made, he shall certify and return the statement to the quarter-master, and it shall be the duty of the quarter-master, to forward the statement thus certified with his accounts to the Quarter-

master General, who will transmit them to the proper accounting office; and the amount shall be charged to the individual account of the officer, unless he shall show satisfactorily, that the disbursement or allowance was necessary, and that the urgency of the service was such, as to preclude the possibility of communicating with the War Department previous to the purchase.

13. Whenever any building occupied by troops as barracks, shall have been left by them in a filthy state, or shall have suffered unwarrantable injury by them, the quarter-master of the post, or of the party succeeding them, shall in the one case, have the quarters cleansed, and in the other repaired, and the expense of so doing shall be deducted from the pay of the officer commanding the party which immediately preceded in the occupation of the building so cleansed or repaired; where this shall not have been done, and reported, the last occupier shall be considered responsible.

14. Whenever it shall be found necessary to occupy private buildings or lands for encampments by the troops of the United States, a reasonable compensation shall be paid to the proprietor by the quarter-master of the post or department. When the rate of compensation cannot be satisfactorily agreed on, discreet and disinterested persons shall be appointed by the quarter-master, and the proprietor, to appraise and determine the rent. Any damages sustained by buildings or lands thus occupied, shall be paid for or repaired, as above provided.

15. Quarter-masters will not issue due bills in any case. When purchases have been made, or supplies furnished, no receipt shall be taken unless the money be actually paid. Nor shall any officer or other person employed in the Quarter-master's department, be concerned directly or indirectly, either for himself or others, in the purchase of any claim on the government, either of a soldier, or of a citizen. Any officer violating this regulation shall be stricken from the rolls of the army.

16. Whenever any quarter-master, officer, or agent, making disbursements on account of the department, shall be relieved or ordered from his post or station, he shall furnish his successor with a certified statement of all the outstanding debts of the department, whether for supplies furnished or services rendered: a duplicate of which, he shall transmit to the office of the quarter-master general.

17. Officers of the Quarter-master's Department, will not be allowed to engage, directly or indirectly, in trade or traffic of any description.

18. Regimental and battalion quarter-masters and military storekeepers, may be required to perform the duties of assistant deputy quarter-masters general, at their respective posts or stations.

19. All monies for the service of the Quarter-master's Department, will be furnished on requisitions of the quarter-master General, predicated on the estimates of the several quarter-masters, agents, and disbursing officers. The senior quarter-master of each military department, may be required to receive and distribute all monies necessary for the use of his department.

20. All officers and agents of the Quarter-master's Department, and commanding officers of posts where there are no quarter-masters, will keep and render their accounts, both of money and property, according to prescribed forms; and each officer and agent, of the department, shall forward his accounts to the office of the Quarter-master General, within twenty days after the expiration of the quarter. It shall be the duty of the Quarter-master General to examine and transmit them with his remarks, to the proper accounting office of the Treasury Department. On report being made to the Quarter-master General, of any voucher being disallowed or suspended, he shall require from the officer or agent, proper vouchers, or the necessary explanation.

21. Any officer or agent of the Quarter-master's Department, who shall fail to forward his accounts for settlement at the time prescribed, shall be recalled, and his place be supplied by another.

22. The Quarter-master General may, whenever he shall deem it necessary, cause a thorough inspection to be made of the books and accounts of the quarter-masters, and of all officers and agents making disbursements on account of the Department. This inspection shall embrace property, as well as money, shall extend to contracts, to prices paid for articles purchased, prices paid for transportation, and generally, to every article of supply, and to all objects connected with the department.

The books and accounts of the Quarter-master General, will be subject to a similar inspection.

Inspecting officers will notice in their reports all orders of commanding officers requiring the expenditure of money contrary to the regulations, and they will state particularly, whether supplies are forwarded promptly.

23. Generals, and other officers, are prohibited from appointing officers or agents, to make disbursements on account of the Quarter-master's Department, except on the most urgent occasions, when they will immediately report the necessity for such appointment to the Department of War. The general, or officer making appointments of this nature, shall, in all cases, receive the funds which are to be placed in the hands of the officer or agent, and shall himself be held individually responsible for the proper application of the same.

24. Quarter-masters will not be required to make purchases of medicines and hospital stores, except in cases where an extra supply may be found necessary by the marching of a detachment, the arrival of a greater number of men at a post than had been estimated for, the loss or miscarriage of any article, or unusual expenditure from sickly seasons, &c. In these cases only, they are authorised to purchase and issue on the requisition of the attending surgeon, countersigned by the commanding officer of the department, post, regiment or detachment.

25. It shall be the duty of the officers of the Quarter-master's department, to provide cooking utensils, and other articles of hospital furniture, when they cannot be conveniently obtained from the purchasing department. Their vouchers for such supplies will be the requisition of the attending surgeon, countersigned by the commanding officer of the regiment, post or department.

26. Quarter-masters will not be required to make payments to citizen surgeons for medicines furnished, or medical services rendered, to the troops, whether in garrison, on detachment, or the recruiting service. Claims of this character must be referred to the surgeon general at Washington City. Nor will they be required, under any circumstances, to make payments for the hire of stewards, ward-masters, nurses, or attendants in hospitals.

27. Officers of the Quarter-master's department, shall not be furloughed for a longer period than twenty days, without first obtaining the sanction of the War Department, through the Quarter-master General; and in all cases where furloughs

are granted to them, they are required to report the same immediately to his office.

28. Quarter-masters are prohibited making expenditures for the printing of blank forms and returns of any description, except those connected with their own accounts.

29. Whenever quarter-masters' stores become damaged, or unfit for issue, whilst in the charge of a quarter-master, he shall report the same to the commanding officer of the post or department, who shall immediately institute a board of survey, to be composed of three officers, when practicable, to examine and report on the same. They shall report particularly, the nature of the damage, the causes which led to it, and whether, in their opinion, it was produced by the neglect of the quarter-master. All stores found damaged, from causes other than the neglect of the quarter-master, shall be immediately sold at public auction, and the auctioneer's bill of sale, with a duplicate of the report of the board of survey, shall be entered in the proper abstract, and will entitle the quarter-master to a credit for the stores thus condemned and sold. But in case the board be of opinion, that the damage was occasioned by neglect on the part of the quarter-master, the stores will be thrown upon his hands and their original cost deducted in the settlement of his accounts.

30. Quarter-masters will not be required to make expenditures immediately connected with the operation of the subsistence department, except for the hire of store houses, and transportation of supplies. All stationery, scales, weights and measures, for the use of the issuing commissaries; and all other expenditures, incident to the operation of that department, must be paid from the fund of that department.

2. *Regular and Incidental Allowances.*

1. Fuel and quarters.
2. Forage.
3. Stationery.
4. Transportation.
5. Straw.
6. Camp equipage.
7. Incidental allowances.

1. FUEL AND QUARTERS.

GRADES, &c.	Quarters.		Fuel per month.	
	Rooms.	Kitchens.	From 1st May to 31st Oct.	From 1st Nov. to 30th April.
			Cords.	Cords.
Major generals, - - - - -	3	1	1	6
Brigadier generals, - - - - -	2	1	1	4 1-2
Colonel, lieutenant colonel, major, judge advocate, chaplain, regimental and battalion pay-masters, and every other officer having the relative rank of field officers, each	1	1	1	3
Captain, regimental surgeon, post surgeon, and military store-keeper, each - - - - - -	1		1-2	1 1-2
All other commissioned officers, to every two, - - - - - -	1		1-2	1 1-2
To each mess of six or more officers,		1	1-2	1
To the commanding officer of a department or separate post, and to the principal officer of each branch of the division staff, for an office, -	1			2
At posts where there are less than six officers, - - - - - -		1	1-2	1
Every six non-commissioned officers, musicians and privates, including the authorised number of washerwomen and servants, -			1-2	1

The allowance of fuel for the quarters of the sick, will be regulated by the commanding officer and surgeon.

At all posts, garrisons and cantonments, north of the 40th degree of latitude, the allowance of fuel may be increased one fourth, during the months of December, January and February.

Coal may be issued in lieu of wood, in proportion to the cost thereof.

No fuel furnished for the use of a garrison, post, camp or cantonment, shall be removed therefrom, but by the quarter-master attached thereto: and any overplus of fuel, beyond what has been used, or may be necessary for the use of the troops at such post, camp, or cantonment, shall revert to the United States.

No fuel to be issued but within the month for which it is due, and no fuel or quarters to be allowed to officers whilst on furlough.

The senior officer shall, in every instance, have the choice of quarters, in succession from the highest to the lowest grade, except in regular cantonments, when company officers shall take their stations as in camp.

Quarters will not be rented for officers of the army, when there are public quarters suitable for their accommodation, at the place where they may be stationed, except in cases where the peculiar nature of their duty requires them to be stationed remote from the public quarters. This will rarely occur; and it is made the duty of the officers of this department, to keep the public quarters in suitable repair, so that their bad condition shall not be made a pretext for renting.

On the arrival of an officer at a post, he shall immediately make a written requisition on the quarter-master for quarters, who shall, in all cases, furnish public quarters, where there are any vacant.

At all posts in the vicinity of public or Indian lands, which afford fire-wood, the necessary fuel will be provided by the troops, under the direction of the several commanding officers.

Requisitions for fuel must state the number of non-commissioned officers, musicians, privates, servants, batmen and washerwomen, for whom it may be demanded, and certified by the commandant of the regiment, garrison, or recruiting rendezvous.

2. *Forage.*

To all horses in actual service there shall be allowed fourteen pounds of hay, and twelve quarts of oats, or in lieu of oats, eight quarts of corn per diem.

Officers will be allowed to draw forage *in kind*, when on actual service in the field, or when under orders to hold themselves in readiness for the field, for the number of horses they may actually keep in service, not exceeding the following rates:

Major Generals, - - -	seven,
Brigadier Generals, - - -	five,
Colonels, - - -	four,
Lt. Colonels and Majors, - -	three,
All other officers entitled to forage, -	two each.

On all other duties, officers entitled to forage for three or more horses, will be allowed to draw forage *in kind* for two horses: all others entitled to forage, to draw *in kind* for one each.

Officers when on furlough, or leave of absence, will not be allowed to draw forage in kind.

At all posts in the vicinity of prairies belonging to the public, hay for the public horses, and oxen, will be provided by the troops, under the direction of the quarter-master of the post, or the officer commanding.

3. *Stationery.*

To a major general, or other officer, commanding a division or department, so much stationery as may be necessary for the discharge of his public duties.

To every other general officer, or officer commanding a brigade, 24 quires of paper per annum.

To a colonel or other officer, commanding a regiment or battalion, 18 quires per annum.

For the use of any company, whether in garrison or otherwise, 12 quires per annum, and a large company book once in five years.

For the use of every other commissioned officer in the army of the United States, three quires per annum.

A proportion of other stationery, at the rate of 25 quills, 25 wafers, and one paper of ink-powder, to each six quires.

4. *Transportation.*

When officers are ordered on courts martial, temporary commands, or other duty, the following rates will govern in the allowance made to them for transportation of their baggage, at two dollars per hundred weight, per hundred miles.

	Pounds.
To a Major General	1,000
Brigadier General	900
Colonel, or assistant surgeon general	800
Lieutenant Colonel	750
Major, Judge Advocate, Paymaster, or Chaplain	700
Captain, or regimental Surgeon	600
Every other commissioned officer	500
Cadet	450

The most direct post route will determine the distance for which transportation will be allowed, whether the conveyance be by land or water, unless the route be designated in the order for the performance of the duty.

If an officer require it, he will be allowed his transportation *in advance*, or if he prefer it, and the amount can be ascertained, he shall be allowed his stage fare *in advance*, where there is a direct stage route. In either of these cases, a certified copy of the original order, and certificates on honor, that he has neither been furnished with transportation, nor money in lieu thereof, will be necessary to entitle him to the allowance.

Immediately on arriving at the place to which he has received this allowance *in advance*, he will transmit to the Quarter-master General's office, a certificate in the following form: I certify on honor, that the route from —— to ——, for which I received transportation in advance from ——, at ——, has been performed. The quarter-master paying the allowance for transportation, or stage fare, in advance, will make a certificate thereof on the original order, which will remain in the hands of the officer. If the original order be not in the possession of the officer drawing the allowance in advance, the certificate will be made on a certified copy of the same: but in no case shall the original order be dispensed with, when it can be had.

An advance on account of transportation, will in all cases stand charged to the officer receiving it, until a certificate of the above nature be forwarded.

Officers, prisoners of war, shall be allowed for transportation of baggage, from the places where they are paroled, to their respective homes, unless transportation be furnished by the enemy, or the government.

Each company or detachment of seventy-eight men, shall be allowed for the conveyance of camp equipage, and the baggage of company officers, when marching with the companies or detachments, to which they belong, one four-horse waggon and team, or two two-horse waggons and teams.

For the conveyance of the baggage of the field and staff officers of a regiment or battalion, when marching with their regiment or battalion, one two-horse waggon and team.

To each regimental hospital, for the conveyance of medicines, hospital furniture, hospital stores, and cooking utensils, one two-horse waggon and team.

For other hospitals and the sick, the transportation will be regulated by the commanding officer, and the attending surgeon.

No allowance will be made for transportation of baggage to officers fulfiling the first order after appointment.

Officers who seek and obtain transfers for their mutual convenience, are not entitled to the allowance for transportation of baggage whilst executing the order for a change of stations.

5. *Straw.*

One truss of straw, weighing 36 pounds, is allowed to every two men, at the commencement of the month. At the expiration of fifteen days, each truss will be refreshed with eight pounds; and at the expiration of the month the whole straw will be removed and a fresh bedding of one truss will be furnished.

The same quantity of straw is allowed to servants, or batmen, not soldiers, and for washerwomen, in the proportion of one to every seventeen men.

The allowance and change of straw for the sick in hospitals, will be regulated by the senior attending surgeon.

At all posts in the vicinity of prairies belonging to the public, hay will be used in lieu of straw, and shall be provided by the troops.

6. *Camp Equipage.*

General officers, 1 marque, and 1 wall tent,
Field officers, 2 wall tents,
The officers of a company, 2 wall tents,
Medical staff of a regiment, 2 wall tents,
Military staff of a regiment or battalion, 3 wall tents,

To every six non-commissioned officers, musicians, and privates, including also the authorised number of washerwomen, 1 common tent, 1 iron kettle, and 2 tin pans.

7. *Incidental allowances.*

Every officer of the army, whose duty requires him to be on horseback in time of action, and whose horse shall be killed in battle, shall be allowed a sum not exceeding two

hundred dollars, on making satisfactory proof of the loss and value of the horse so killed, within one year. The proof required shall be the affidavit of the quarter-master of the corps to which the owner may belong, or of two other credible witnesses.

Officers attending general courts martial, either as members or witnesses, will be paid for each day occupied in travelling to, attending on, (the number of days which the court is actually in session) and returning from said court, one dollar per day to those entitled to forage, and one dollar and twenty-five cents per day to those not entitled to forage. The allowance for travelling to and returning from the post where the court may convene, to be estimated computing at the rate of thirty-miles per day.

Citizens who attend courts martial as witnesses will be allowed the transportation of a lieutenant, and three dollars per day for the time occupied in travelling to, attending on, and returning from the court, computing the travelling allowance the same as officers.

No compensation to be made to officers attending courts martial, as witnesses, or members, if on duty, or on furlough, at the post or place where the court is held.

Officers performing the duties of special judge advocates to general courts martial will be paid one dollar and twenty-five cents per day for every day they may be necessarily employed in the performance of said duties.

A reward of thirty dollars, will be paid to any person who may apprehend and deliver to an officer of the United States' army, a deserter from the said army. Rewards thus paid will be reported by the disbursing officer to the officer commanding the company to which the deserter may belong, for stoppage on the muster rolls.

Non-commissioned officers, musicians and privates employed at work on fortifications, in surveys, in cutting roads, and other constant labor, for a longer period than ten days, will be paid fifteen cents and allowed an extra gill of whiskey or spirits for each day whilst so employed. This allowance to be paid by the officer disbursing the contingent expenses of the work or expedition.

3. *Returns, Statements, and Estimates required.*

1. The Quarter-master General will make to the Secretary of the Department of War, on or before the 20th day of October, in each year, annual estimates of all monies and supplies, which may be necessary in his department, for the ensuing year.

He will make, on the 31st day of March, and 30th day of September, in each year, semi-annual returns to the Department of War, of the distribution of all supplies furnished by his department, noting the quantity on hand, and showing their state and condition.

He will make quarterly reports to the Secretary of the Department of War, of the state of the appropriation for the Quarter-master's Department, embracing the particular sums distributed to the officers and agents of the Department, the amount disbursed by each, and the sums remaining in their hands unaccounted for; and in what manner each officer and agent has performed his duty. He will, in this report, exhibit a statement of the bank accounts of the regular disbursing officers of his department, and show as near as practicable, the rate of exchange between the principal points of disbursement, and the principal towns at which their commerce centers. This report to be made on the last days of January, April, July, and October, of each year.

2. The senior quarter-masters of the military departments, will make to the Quarter-master General, on or before the 10th day of September, in each year, annual estimates of all monies and supplies which may be necessary in their respective military departments for the year ensuing. They will, at the same time, make reports of all outstanding debts of the department within their respective military departments.

They will make semi-annual returns to the Quarter-master General, on the 31st day of March, and 30th day of September, in each year, of all horses, and draught oxen, and other property of the public, which may properly belong to the Quarter-master's Department, within their respective military departments.

3. All officers of the Quarter-master's Department, and all storekeepers, agents, and commanding officers, at posts where there are no quarter-masters, will make, on the 31st day of March, and the 30th day of September, of each year, semi-

annual returns to the senior quarter-master in their respective military departments.

4. All officers and agents in the Quarter-master's Department, and all commanding officers of posts, where there are no quarter-masters, will make and transmit promptly to the Quarter-master General, through the senior quarter-master in their respective military departments,

A monthly report of persons and articles hired, or employed in public service.

A monthly report of non-commissioned officers and privates employed on extra duty, as mechanics and laborers.

A monthly return of stores received for transportation and distribution.

It shall be the duty of the senior quarter-master in each military department, to collect and transmit the above reports to the office of the Quarter-master General, accompanied by his report of any failure on the part of the several officers, or agents, within his department.

5. All officers of the Quarter-master's Department, and all officers and agents making disbursements on account of the department, will make and transmit, *direct*, to the Quarter-master General, to be transmitted by him to the proper accounting office of the Treasury Department, the following returns and accounts, viz.:

Quarterly returns of quarter-master's stores received and issued, supported by vouchers.

Quarterly accounts current of monies received, expended, and remaining on hand on account of the Quarter-master's Department, supported by vouchers.

Quarterly accounts current of monies received, expended, and remaining on hand on account of contingencies, supported by vouchers.

These returns and accounts to be made on the last days of March, June, September, and December, in each year.

6. They will also make and transmit, *direct*, to the Quarter-master General, immediately succeeding the close of every month, a monthly summary statement of monies received, expended, and remaining on hand.

7. All officers and agents of the Quarter-master's Department, and commanding officers of posts, where there are no quarter-masters, will make such other returns, reports, and

ments, as the Quarter-master General may from time to require.

Ordnance Department.

he duties of the officers of the ordnance department consist in providing, distributing and preserving the articles coming under the denomination of ordnance and ance stores, and in supplying the troops, posts and garri- conformably to the regulations, and according to the ncies of the service.

der the general denomination of ordnance and ordnance , will be comprehended:

Cannon, howitzers and mortars, for the land service, rriages and their equipments, caisoons, travelling forges, ons and their carriages, and all machines and apparatus, ed to the service and manoeuvres of artillery in gar- and in the field, together with the materials for their uction and repairs.

small arms and accoutrements for the artillery, cavalry, y and riflemen.

Ammunition for cannon and small arms, and all stores enditure, for the service of the artillery.

Materials, utensils and stores for the laboratories.

ntrenching and miner's tools, armorer's tools and artifi- tools of every description, required for the use of the

nance stores may be provided by purchase, fabrication tract, as may be judged most advantageous to the pub- vice, but no contracts can be considered valid, except s shall be made by the chief of the ordnance depart- under the direction of the Secretary of War.

artillery for field service will be distributed into divi- nd sub-divisions.

company of the corps of artillery, serving in the field, attached to it six pieces of ordnance and the proper ent of stores, will constitute a division of artillery.

six pieces of ordnance allotted to a division, shall con- ber of four pieces of cannon of the same caliber, and witzers, or of six pieces of cannon, all of the same cali-

A sub-division of artillery will consist either of two pieces of cannon of the same caliber, or two howitzers.

To ensure greater simplicity and uniformity, in future, in the calibers and patterns of cannon, &c. the cannon, howitzers and mortars, to be provided hereafter for the land service, will be as follows:

For the field—

Cannon,	Light 6 pounders, Ditto 12 ditto, Medium 18 ditto.	Howitzers,	24 pounders. 8 inch.

For sieges, (including, also, field pieces of the foregoing descriptions:)

Cannon, heavy 24 pounders.		Mortars,	8 inch, 10 do. 13 do.

For the fixed batteries on the seaboard and forts in the interior, (including, also, field pieces of the foregoing descriptions:)

Cannon, heavy 24 pounders.		Mortars,	10 inch, 13 inch.

All ordnance to be provided hereafter of any of the natures and calibers above expressed, are to be invariably of the same pattern; and it will be the duty of the ordnance department to adopt proper measures for ensuring uniformity in the ordnance hereafter, by gradually abolishing and replacing the guns of other calibers than the foregoing, which have been introduced into the service, as well as guns of patterns different from those which have, or may be established, so as eventually to bring all the guns of any one caliber to a uniform pattern.

Whenever guns of a larger caliber than 24 pounders shall be demanded for the fixed batteries on the seaboard, or the forts in the interior, it shall be the duty of the ordnance department to provide cannon of such calibers and patterns as may be eventually established for the naval service.

To guard against the embezzlement of ordnance stores, the

articles shall, as far as practicable, be distinctly and permanently marked, previously to their being sent from the arsenals, so as to identify them, as being the public property of the United States.

Whenever any person, in the military service of the United States, shall fraudulently sell, or otherwise dispose of any arms, ammunition or other ordnance stores, or convert the same to his own use, or deface their marks, for the purpose of concealing them, or wilfully waste and destroy them unnecessarily, it shall be the duty of any military officer, to whom the facts shall be known, or credibly reported, to communicate the circumstances to the ordnance office, at the seat of government.

Whenever a commissioned officer shall receive from any arsenal or depot, or otherwise obtain, or be possessed of, any swords, pistols, rifles or other small arms or accoutrements, the property of the United States, for his personal use and service, it shall be the duty of the ordnance department, (credible evidence thereof appearing,) to charge against such officer the value of such arms, at the contract, or other just price of the same, and shall transmit to the office of the paymaster general, a copy of such charge, to the intent that the amount may be stopped from the pay of such officer.

When it shall become necessary, or expedient to sell any arms, timber, gun-powder, or other ordnance stores, whether on account of their being damaged, or the inconvenience of their removal, or for any other valid reason, it shall be the duty of the officer in command, or having charge of the same, to cause a survey to be taken by two or more commissioned officers, one of whom to be of the ordnance department, if convenient, or by two or more respectable inhabitants, in the absence of officers, who shall make an accurate account and schedule of the articles proposed to be sold, and report their state and condition, together with their own opinion of the expediency of their being sold, with their reasons therefor, pro or con, which survey and opinion shall be transmitted to the ordnance office, at the seat of government, whereupon an order may be sent to dispose of such stores, it being understood that the sales in such cases shall be made at public vendue, with suitable previous notice, unless otherwise expressly directed. The marks in such cases must be cancelled or obliterated, previously to the sale.

Any general officer may change the route or destination of any ordnance or ordnance stores, issued on his own requisition, or on that of any officer under his command: in other cases, no general or other officer will be permitted to vary the route, or divert the whole or any part of a convoy of ordnance stores from the destination given to it by the ordnance department—cases of extreme danger and necessity being alone excepted.

When several companies of artillery shall be assembled permanently in garrison, the officer highest in rank among the conductors of artillery, shall have the special charge and custody of the ordnance and ordnance stores, and shall keep the accounts of their expenditure. He will be aided in that duty by the other conductors of artillery. The quarterly returns of ordnance and ordnance stores, for the garrison, will be prepared under his direction, and be signed and transmitted by him.

It is to be understood, the charge and custody of all ordnance and ordnance stores, (except small arms and accoutrements,) and the task of preserving and accounting for the same while in actual use and service, belongs to the officers of artillery, and the conductors of artillery; and such charge and accountability will not cease, until such ordnance and ordnance stores shall have been regularly returned to the arsenals or depots, or shall have been regularly delivered over to an ordnance officer, acting with an army in the field, and stationed in charge of the main depot of the artillery of reserve belonging to such army.

At posts and garrisons where no regular conductor of artillery shall be serving, nor can be obtained without great loss of time, or manifest inconvenience, the commanding officer, if he shall judge it to be necessary, for the good of the service, may select and recommend a suitable person, not belonging to the army, to serve as an ordnance storekeeper, whose duties shall be similar to those of a conductor of artillery in garrison. To ensure despatch and regularity, the recommendations may be transmitted, in the first instance, to the ordnance office, at the seat of government. Should such recommendation and selection meet the approbation of the Secretary of War, and the person so recommended be appointed as a storekeeper, he will be considered entitled to the pay and emoluments of a conductor of artillery, from the period

he may have entered upon the duties. Storekeepers so appointed, will be always considered subordinate to the regular conductors of artillery, and not subject to be removed from the station to which they have been assigned.

Any officer of the ordnance departmnet who may be attached to an army in the field, shall be stationed at, and have the principal charge and direction of the main depot of ordnance and ordnance stores, for the supply of such army. Orders and requisitions for ordnance and ordnance stores, shall regularly be transmitted to him, through the commanding general, or the senior officer of artillery, acting with such army: with the latter, the officer of the ordnance department, having charge of the depot, will constantly correspond, so as to ascertain the actual and probable wants of the army, relative to his department, and be prepared to furnish all supplies at the shortest notice. He will also correspond with the ordnance office, and with the officers of that department, at the nearest arsenals and laboratories, so as to anticipate, if possible, and provide for all the wants of the army, in his department. He will, at the depot, cause the gun carriages to be put in order and repaired, the cannon to be remounted, the ammunition to be provided and prepared, the ammunition waggons to be replenished, the damaged arms and accoutrements to be taken care of, and undergo the necessary repairs. For these purposes, he is not only to be furnished with all proper aid by the commanding general, but is to employ any extra aid of artificers, armorers, and laborers, which the service may require.

The general commanding will, from time to time, communicate to him such instruction and information as may be deemed proper, and will indicate the locations and transfers of the depots, which are, on no account, to be changed, except by his orders, or from absolute necessity.

Duties of the conductors of Artillery.

The conductors of stores attached to the divisions or companies of artillery, aided, when necessary, by a trusty non-commissioned officer for each division, will have charge of, and be accountable for, the ordnance and ordnance stores, attached to their respective divisions, in camps, on marches, and in detached posts. The drivers, harness, and horses of the artillery, will also be under their particular charge.

Besides the ordnance, ammunition, and stores, appropriated to each division of artillery, the senior officer of that corps, in command with the army, will apportion to the respective divisions, according to his judgment, the spare arms, ammunition, &c. destined for the infantry; also the artificers', intrenching, and miners' tools, the laboratory stores and utensils; the spare gun carriages, equipments, &c. At the periods of such distributions, inventories ought to be taken by the conductors of stores of every thing attached to their respective divisions. Suitable books are to be furnished by the ordnance department to the conductors of stores, to enable them to keep their accounts.

The conductors of stores will issue ammunition and stores of expenditure for their respective divisions, on the orders, written or verbal, of the commanding officers of the respective divisions, or on their own responsibility. No receipts shall be exacted on such issues, but the quantities and kinds of articles delivered, shall be entered in the books of accounts of the conductors of stores, together with the name of the officer ordering the same. Ammunition and stores are not to be delivered by the conductor of one division for the use of another, except by the order of a general officer, or of a field officer of artillery on the commanding officers of the post. In such cases, besides the proper entries in the books, receipts for the articles shall be passed.

The conductors of stores will receipt to the officers of the ordnance department for all ordnance, ordnance stores, arms, accoutrements, ammunition, &c. received from the arsenals and depots, and keep correct accounts of their expenditure. Quarterly abstracts of these accounts are to be transmitted to the ordnance office, exhibiting the species of articles received, those remaining on hand, and those expended or delivered over.

The conductors of stores will, from time to time, as opportunities may offer, and under the direction of the senior officer of artillery in command, disencumber the divisions of the empty ammunition waggons, carriages needing repairs, damaged arms, &c., and, in general, of all ordnance and ordnance stores which may be deemed unserviceable or superfluous; which are to be sent either to the depot, or an adjacent arsenal, and delivered to an officer of the ordnance department, who will receipt for the same.

The conductors of stores will keep the senior officer of the corps of artillery in command, acquainted with the state of the ordnance and stores of their respective divisions, in order that prompt measures may be taken to obtain from the depot or neighboring arsenals, the requisite supplies.

Musket cartridges and flints, shall be issued by the conductors of stores, on the orders of the commanding officer, or of any general officer; if to regiments, by the requisitions of the colonels or other field officers commanding them; if to detachments, by the requisitions of their commanding officer; if to posts or garrisons, by the requisitions of such persons as may be designated by the orders.

Intrenching and artificers' tools, &c., shall be issued on the requisitions of the officers respectively commanding the working parties, to whom tickets shall be furnished, containing lists of the tools delivered; the same tickets to be handed to the relieving officers, and finally, to be returned with the tools on the discharge of the working parties. In case of loss or damage, beyond ordinary wear and tear, it shall be the duty of the conductors of stores to report to the commanding officer, in order that the loss or damage may be made good.

Regulations relative to the distribution of small arms and accoutrements, and the mode in which they are to be accounted for.

Small arms and accoutrements shall, in time of peace, be issued from the arsenals and depots only on the requisitions of the colonels or other field officers actually commanding the regiments, and the officers superintending the recruiting service for each regiment, battalion and corps; which requisition shall not exceed the effective strength of the regiments respectively, and of the recruits to be raised. The receipts of the colonels, &c., shall be given for the arms, &c., when delivered to an officer of the regiment appointed by him to receive them; which receipts shall be transmitted to the ordnance office, where an account shall be opened with each regiment, for arms, &c., and the commanding officer of the regiment shall be held strictly accountable, during his command, for the arms, &c., charged to the regiment; and shall transmit quarterly returns to the ordnance office, by which he shall strictly account for the arms delivered to the regiment;

failing whereof, his name shall be reported to the second auditor of the Treasury Department, for further inquiry. Duplicates of such quarterly returns shall regularly be entered in the regimental book, and a particular inspection and examination be made, in the event of a change of command.

The colonels shall distribute to the captains or subalterns commanding the companies, the arms, &c., received for the use of the regiment, taking their receipts for the same; and shall particularly see that the arms, &c., of each company be strictly accounted for afterwards in the inspection returns.

The captain or subaltern, commanding a company, shall distribute to the non-commissioned officers and privates, the arms received for the company; the distribution must be witnessed by a non-commissioned officer of the company, and be recorded in the company book, as conclusive evidence to hold the soldiers accountable for the arms, &c., so distributed.

Surplus arms may be returned, if in good order, to the conductors of stores, who shall grant receipts to the colonels for the same, which receipts, being transmitted to the ordnance office, by the colonels, the regiments shall respectively have credit for the arms so returned.

In case of arms, &c., being lost or damaged by unavoidable accidents, a certificate, on honor, under the hand of a commissioned officer, shall be furnished to the conductor of stores, distinguishing those totally lost, from such as may be merely damaged; the latter being delivered up to the conductor of stores, who, besides transmitting such certificate to the ordnance office, shall be bound to make further inquiry, and report the circumstances, if he have reason to distrust the accuracy of the certificate. The regiments shall, respectively, have credit on the books of the ordnance office, for all arms, &c., lost or damaged by unavoidable accidents.

Arms damaged or lost, by negligence or misconduct, shall have their value exacted from the delinquent; for which the colonel or field officer commanding the regiment shall be responsible.

He shall require the captain or subaltern commanding a company, to charge, in the company book, to the soldiers in fault, the amount of all arms, &c., so lost or damaged, noting the same on the muster rolls, to be deducted from their pay. The damaged arms to be returned to the conductors of stores, with minutes of the amount charged for the same, specifying

the name of the individual to whom charged, together with that of the company and regiment; and the conductors of stores shall transmit quarterly abstracts of such charges to the ordnance office.

For arms, &c., thus accounted for, as charged to individuals, the conductors of stores shall grant receipts to the colonels of the regiments, distinguishing arms totally lost, from such as may be merely damaged, which receipts being transmitted to the ordnance office, the regiment shall have credit for such arms.

Small arms and accoutrements, for the use of the corps of artillery, shall be issued to the field officers of that corps commanding battalions, in the same mode, and subject to the same regulations, for the respective battalions, as are provided above for the regiments of infantry.

The component parts of the musket and accoutrements, are valued as follows, viz.:

Stand of Arms.

The bayonet,	$1 25
ramrod,	75
lock,	3 25
stock,	1 75
barrel,	4 00
mounting,	2 00
Stand of arms, complete, total,	$13 00

Accoutrements.

The cartouch box and belt, bayonet, scabbard and belt, as a set, the whole,	$2 50
brush and pricker,	6
ball screw,	25
screw driver,	25

Purchasing Department.

1. The Commissary General of this department, and his deputies, will purchase upon the orders and estimates of the

War Department, all clothing, dragoon saddles and bridles, tents, tent poles, camp kettles, mess pans, bed sacks, and all other articles required for the public service, for the army of the United States, excepting only, such as are ordered to be purchased by the ordnance and quarter-master general's departments, and the apothecary general.

2. Estimates and returns will be made in duplicate, one of which shall be transmitted to the adjutant and inspector general, and the other to the commissary general of purchases, (at Philadelphia,) on the first day of September, annually. A consolidated report of these estimates and returns will be laid before the Secretary of War, on the first of October in each year, by the adjutant and inspector general, and by the commissary general of purchases, when the deficient and informal returns of regiments, corps, and battalions, will be stated, and on these reports a military investigation will be ordered on the commanding officer of any regiment, corps, or battalion, so reported.

3. These estimates shall specify the company, or detachment, for which the clothing and camp equipage are intended, and shall designate the posts and places to which they are to be sent.

4. As all orders for the purchase and distribution of the clothing and equipments for the army, appertaining to the purchasing department, will be predicated upon the estimates of the commandants of regiments, battalions and corps, who shall be held strictly responsible for the correctness of the same, and the due transmission thereof, they shall require from the officers commanding companies and detachments of their respective regiments, battalions and corps, accurate estimates of all such clothing, and camp equipage, as may be necessary for the supply of their companies and detachments for the ensuing year, with a return of the articles on hand, and a report of their condition.

5. The articles purchased by the Commissary General and his deputies, shall be carefully packed, and legibly marked with the name of the place or places where they are to be sent, and that of the company or detachment for which they are intended, accompanied by duplicate invoices of the articles contained in such packages, and shall be delivered to the issuing commissary, or nearest military storekeeper.

6. For the purchases made by the Commissary General, and his deputies, quarterly accounts and vouchers shall be forwarded to the second auditor of the Treasury Department, agreeably to such forms as shall be prescribed, and, to the Secretary of War, monthly summary statements of the purchases.

7. For the delivery of the articles purchased by the Commissary General, and his deputies, the receipts of the issuing commissary, or military storekeeper, shall be the voucher, which will accompany his accounts of purchases, as above directed.

8. When the Commissary General, or his deputies, shall have delivered the articles purchased by him or them, to a military storekeeper or issuing commissary, he or they shall notify the Quarter-master General, or his deputy and assistants that transportation will be required, stating the time when the articles must be delivered at their destination. When the articles are received by the Quarter-master's Department, the officers of that department who furnish the transportation, shall be held strictly responsible for the safe and speedy transit of the same.

9. The clothing department is subject only to the orders of the War Department and the commissary general of purchases. When by accident or casualty, the clothing is lost before it arrives at its proper destination, the Commissary General or his deputies, on a report of the fact, shall, with the least possible delay, furnish a duplicate supply, and deliver the same to the nearest issuing commissary, or military storekeeper.

The Commissary General will exercise his discretion and judgment in making contracts for the supply of clothing, and of all such articles as must be furnished by the purchasing department. The contracts proposed to his deputies, shall be submitted to him, and must abide his decisions. He will judge of and decide upon the price and quality of the clothing, and of all such articles as he may be ordered to purchase. For any delinquency or error in the discharge of this duty, he will be held strictly responsible.

Duties of Issuing Commissaries and Military Storekeepers.

1. Issuing commissaries and military storekeepers shall be held strictly responsible for the safe keeping of all the articles delivered to them.

2. They shall cause to be forwarded to their respective places of destination, all parcels delivered to them by the Commissary General and his deputies, and for that purpose shall, when necessary and practicable, require of the Quarter-master General's Department transportation for the same; and when transportation cannot be procured from the Quarter-master's Department, they shall be authorised and are hereby required to provide the same. The voucher for the delivery of the articles by the issuing commissary or military storekeeper, ordered for transportation, shall be the receipt of the carrier, of which triplicates shall be taken; one to be forwarded to the officer commanding at the post to which the articles are directed, one to accompany his accounts to the second auditor, and the other to be given to the person having charge of the articles transported.

3. When, by accident or casualty, the clothing is lost or damaged before it arrives at its proper destination, it shall be the duty of the military storekeeper, or issuing commissary, under whose direction such clothing was forwarded, immediately to collect the facts and circumstances attending all such losses or damages, and promptly to report these, in duplicates, to the Secretary of War and Commissary General, or deputy commissary, by whom the original purchase was made.

4. Issuing commissaries and military storekeepers shall keep an account of all articles of public property by them received and delivered, and shall render their property accounts to the second auditor of the Treasury, with their cash accounts quarter yearly, agreeably to such forms as shall be prescribed. In all cases, when stores are forwarded by an issuing commissary, or military storekeeper, he shall require from the officer to whom they are consigned, a receipt for the same, which shall be sufficient to entitle him to a credit for such stores in the settlement of his accounts.

In all cases of transportation, an invoice of the articles transported shall accompany the same, and a duplicate thereof

be forwarded by mail to the commanding officer for whom they are intended.

Distribution of Clothing, &c.

On the receipt of the articles by the officer for whose company or detachment they are intended, and on examination or inspection of the same, he shall forward duplicate receipts therefor, one to the issuing commissary or military storekeeper from whom they were received, and the other to the second auditor of the Treasury Department, with which he will be charged and held accountable, for the distribution of which, according to law and regulations, he will render quarterly accounts and vouchers, agreeably to such forms as shall be prescribed.

Every officer commanding a company or detachment, upon the receipt of clothing, shall immediately cause an examination or inspection to be made of the same, by one or more officers, or other proper persons, who, in case of a deficiency, either in quality or quantity, of the articles specified in the invoice, shall make duplicate reports of such deficiency, one of which shall be transmitted to the Secretary of War, and the other to the issuing commissary, or military storekeeper by whom the clothing was forwarded.

He shall keep a company book, in which he shall cause to be entered a correct account of all articles received and issued for the use of his company or detachment, opening in said book, with each man of his company or detachment, a separate account, charging him with all articles to him delivered.

If upon an inspection, it shall appear that a soldier has lost or sold any article of his clothing, or of his arms, the article is to be supplied, and the price deducted from his wages.

All extra clothing shall be charged to the soldiers receiving it, and the amount thereof deducted from their monthly pay. Accounts of these charges and deductions shall be regularly kept in the company books, and the amount due from each soldier shall be stated on the muster rolls, and shall be, by the paymaster, deducted on the next payment.

When a soldier of the regular army has clothing due at the time of his discharge, he shall receive pay from the regi-

mental or battalion paymaster for the same, according to the annual estimated value, for such authorised articles of uniform.

Pay Department.

Regimental and battalion paymasters, in addition to the regular and punctual payment of regiments and corps, are to be considered district paymasters, and make individual, and such other payments as may be regularly required of them within their departments.

To ensure punctuality and responsibility, correct reports shall be made to the Paymaster General once in two months, showing the disposition of the funds previously transmitted, with accurate estimates, for the next payment of such regiment, garrison, or department, as may have been assigned to each; and shall, at the same time, render his accounts and vouchers of the last payment to the second auditor of the Treasury Department, through the Paymaster General.

If the statements of expenditures thus made, are found correct, and the estimates are approved and signed by the Paymaster General, funds will be transmitted for the next payment.

Whenever paymasters shall fail to transmit estimates, and render their accounts and vouchers to the Auditor, through the Paymaster General, for settlement, the provisions of the law will be enforced, and the army relieved from such embarrassment.

Generals commanding divisions, officers commanding military departments, and all officers while in the actual command of permanent posts and garrisons, separate from the stations of commandants of departments, which subject them to the additional expense of independent commands, are allowed double rations.

The pay account in which such charge is made, must be supported by the officer's certificate, stating the post or garrison, and that he was actually commanding during the time charged.

No regimental or battalion paymaster will make payment of any supposed arrears of pay, or bounty to soldiers discharged by the civil authority.

The times for regular musters and inspections of troops,

at the several posts, and hospitals and infirmaries, will be communicated to the paymasters assigned to pay the same, by the commandants of departments; when this is distinctly known, there can be no excuse for neglect in the paymasters; and all deficiencies will be promptly reported to the Office of the Adjutant and Inspector General.

No Paymaster will issue due bills for the pay of the troops, nor take receipts where payment has not actually been made; and if any paymaster, or other officer, shall, either directly or indirectly, be accessary to the purchase of any non-commissioned officer's, musician's, or private's certificate, or evidence of pay due, such certificate, receipt, or evidence of pay, will not be received as a voucher, in settling pay accounts at the second auditor's office; and on proof of the fact, such officer shall be dismissed the service.

Regimental and battalion paymasters will regularly pay all stewards, wardmasters, nurses, attendants, and patients, on the proper musters, and inspections for that purpose, at the established hospitals and infirmaries within the district or departments assigned to them.

MEDICAL DEPARTMENT.

Surgeon General.

The Surgeon General shall be the director and immediate accounting officer of the Medical Department. He shall issue all orders and instructions relating to the professional duties of the officers of the medical staff; and call for and receive such reports and returns from them as may be requisite for the performance of his several duties.

He shall receive from the assistant surgeons general and the medical directors of armies, districts, and departments, confidential reports relative to the condition of the hospitals and infirmaries, the character and conduct of the surgeons and mates, the state of their books and accounts, the medical topography of the several posts and stations, the nature of the prevailing complaints, their probable causes, and the treatment adopted.

He shall receive from every surgeon, and mate performing the duties of surgeon, quarterly reports of sick, with such remarks as may be necessary to explain the nature of the diseases of the troops, the practice adopted, and the kinds

of medicines and stores required; together with a copy of the entries made for the quarter in the book kept for the diary of the weather, accompanied with suitable observations.

He shall receive from every surgeon and mate, having charge of public property of any description for the use of the sick, duplicate semi-annual returns of the same in the form and manner prescribed; and also annual requisitions for the supplies required for each hospital, regiment, post, or garrison for the ensuing year; and transmit them with his remarks and instructions to the Apothecary General, accompanied with a statement, to be obtained from the Office of the Adjutant and Inspector General, of the probable number of troops to be stationed at the several posts, &c. for which they are made.

He shall receive from the Apothecary General and his assistants, duplicates of all invoices of supplies put up for, and delivered or forwarded to, the several surgeons and mates; and also a return of the several articles purchased, with the price or average price of each.

He shall examine the returns and accounts of the surgeons and mates; see that proper vouchers are sent for articles issued, and that the quantities expended with the sick are agreeable to the numbers on the sick reports, and the nature of their complaints: if so, he shall certify it, and at the end of each year, and oftener if necessary, send the returns and accounts thus certified to the office of the second Auditor for final settlement. If he does not receive proper vouchers for issues, and satisfactory evidence that articles so reported have been lost or destroyed by unavoidable accident, he shall forthwith obtain the necessary documents from the person making the return, or transmit the amount to the office of the second Auditor, to be charged to his account. If upon comparing the returns with the reports of sick, there appear to have been any improper expenditures of medicines or stores either in quantity or quality, he will require an explanation thereof from the person making the return; and if necessary, direct the assistant surgeon general or the medical director to examine the books and accounts of said person, and to ascertain how and why such expenditures have been made; and the amount of any articles proven to have been improperly applied will be charged in the office of the second Audi-

ter, to the account of the person who has thus misapplied them.

He shall keep a register of all the medical officers in service, in which shall be recorded the dates of their appointments, promotions or transfers, the post and stations at which they have been on duty, and for what length of time at each place, the furloughs they may receive, by whom and for what length of time they were granted, and the time of their return to duty; he shall also enter in this register his remarks on the several reports and returns made to him, together with the substance of the confidential reports of the assistant surgeons general and medical directors, as well as of all other communications he may receive relating to the character, conduct and professional qualifications of the surgeons and mates, keeping a regular file of the original documents, and submitting the whole from time to time to the examination of the Secretary of War.

He shall make to the Secretary of War such reports and returns as may be necessary to explain all the concerns of the department under his charge; with such remarks relative to improvements in practice and police, and to the clothing, subsistence, &c. of the army, as may seem to be required for the preservation of health, the comfort and recovery of the sick, and the good of the public service.

Assistant Surgeons General.

The assistant surgeon general shall be the medical inspector for the division, district, department or army to which he is attached. It shall be his duty to inspect the hospitals and infirmaries under his charge, according to the instructions he may receive from the Surgeon General; to ascertain the manner in which each officer performs his duties; to see that the necessary supplies are received for the sick; that they are of a good quality, and that they are properly expended.

He shall strictly examine the case books, prescription books, and diet books of the surgeons and mates, and from them ascertain the nature of the diseases that have prevailed, their symptoms, the practice adopted and the result; and hence judge of the professional abilities of the attending surgeon, and ascertain that the quantity and quality of the stores

and medicines used are conformable to the nature and duration of the complaints.

From an examination of the book containing the diary of the weather, medical topography of the station or hospital, account of the climate, complaints prevalent in the vicinity, &c. and from suitable inquiries concerning the clothing, subsistence, quarters, &c. of the soldiers, he will discover, as far as practicable, the probable causes of disease, and recommend the best means of preventing them; and also make such suggestions relative to the situation, construction, and economy of the hospitals and infirmaries, as may appear necessary for the benefit and comfort of the sick, and the good of the service.

He shall examine the books and accounts of the steward; see that his issues of hospital stores and furniture agree with the diet books and written orders of the surgeons and mates, and that he has kept a correct account of the number of rations drawn, agreeably to the register and muster rolls of the hospitals. Ascertain also that the wardmaster keeps a strict account of the bedding, furniture, cooking utensils, &c. received for the use of the hospital; of the articles lost, worn out or destroyed by order; and also of the clothing, arms, and equipments of every patient admitted, and that they are disposed of agreeably to the regulations on that subject; and that he pays due attention to enforcing the police prescribed, and to the order and cleanliness of the patients, wards and kitchens.

He shall make to the Surgeon General at such times as he may direct, confidential reports, containing all the information he may obtain concerning the character, conduct, and attention to duty, of the several surgeons and mates; the order and condition of their hospitals and infirmaries, and the state of their books and accounts; with such remarks relative to the causes of diseases, the best means of preventing them, their symptoms, and the treatment adopted, as appertain to the report of a medical inspecting officer.

Apothecary General and his Assistants.

The Apothecary General and his assistants shall purchase all medicines, hospital stores, surgical and other instruments, books, and dressings, required for the public service of the

army. The articles so purchased, shall be carefully packed under their direction, and by them delivered either to the surgeons or to a military storekeeper, or to a quarter-master for transportation, to the places of their destination and use; and all parcels so packed shall be legibly marked with the name of the place to which they are to be sent, or of the regiment or corps for which they are intended, and accompanied with an invoice of the articles contained in them, a duplicate of which shall be forwarded to the Surgeon General.

They shall make no issues but upon the annual requisitions or estimates received from the Surgeon General, except in extraordinary cases, as the marching of a detachment, the arrival of a greater number of men at a post than had been estimated for, the loss or miscarriage of any articles, unusual expenditure from a sickly season, &c. All which issues shall be regulated by the standard supply table, and made upon the requisition of the attending surgeon, countersigned by the commanding officer.

They shall compound and prepare such medicines as may be thought necessary for the good of the service; cause suitable medicine chests to be constructed, according to the directions of the Surgeon General, and furnished to the several hospitals, regiments, posts and garrisons.

They shall make quarterly returns of their purchases to the second Auditor, accompanied with invoices of the articles purchased, for which they shall be charged; and nothing will exonerate them from such charge, but the receipt of a surgeon, military storekeeper, quartermaster, or other person authorised to receive supplies of this nature, or a certificate on honor, for what may have been expended in the apothecary's department, stating for what purpose. If articles become damaged or unfit for use, they will not be taken off the books of the second Auditor to their credit until sold by order of the War Department.

They shall make an annual return to the Surgeon General, on the 30th of September, of the medicines, instruments, hospital stores, books, dressings, bedding and stationery purchased by them, with the price, or average price of each; and also a return of the articles remaining on hand at that time.

The assistant apothecaries general will purchase, receive, and issue whatever articles the Apothecary General may deem necessary to have purchased or issued in their respective districts, making returns of the same to him.

Surgeons attending General Hospitals.

The senior surgeon shall be *ex officio* medical director and inspector of hospitals for the army or district to which he is attached. He shall enforce the rules and regulations given for the government and direction of the surgeons and mates; examine, and if he approve, countersign all requisitions upon the Apothecary General or his assistants, except that made on the 31st of December, for the ensuing year; and as inspector of hospitals, he shall perform all the duties required of the assistant surgeon general.

The surgeon attending a general hospital shall observe the instructions of the assistant surgeon general, and of the medical director in every thing relating to the hospital under his charge; superintend its construction, government and police, and be held responsible for the manner in which the subordinate officers perform their respective duties.

He shall keep a register of all patients admitted into his hospital, in the form and manner prescribed.

He shall receive, and carefully preserve, the descriptive list of each individual, noting on it any payments made, or clothing issued to him while in hospital. Should any surgeon or mate send patients to his hospital without the report required by the regulations, and certified copies of their descriptive lists, or should they be sent by any officer of the line without their descriptive lists, it shall be his duty forthwith to demand them, and if they be not sent within a reasonable time, or some good cause given for the neglect, he shall immediately apply to the commanding officer for the arrest of such delinquent on the charge of disobedience of orders.

He shall keep a *case book*, *prescription book*, and *diet book*, in which shall be daily recorded the symptoms in every important case, together with the medicines and diet prescribed; and these shall serve as a guide to the assistant surgeon or apothecary in delivering the medicines, to the steward in distributing the stores, and for the information of the medical inspector. He shall keep a diary of the weather in the form and manner prescribed, noting every thing of importance relating to the medical topography of his station, the climate, complaints prevalent in the vicinity, &c. and also an orderly book, in which shall be transcribed all orders concerning, or any ways relating to the Medical Department.

He shall divide his hospital into as many wards as he may have medical attendants, and every morning, at as early an hour as practicable, visit each ward, prescribe himself in all important cases, and consult with the attending surgeon; and in the evening inquire of the resident surgeon the state of the sick, and again visit such as may require particular attention.

He shall as far as practicable, assign appropriate wards to the patients according to the nature of their complaints; be careful that the wards are well ventilated, and the patients not too much crowded; by a rigid attention to police, prevent, if possible, the origin of contagion, and should it appear, make every exertion to counteract it by enforcing personal cleanliness, and by frequent changes of linen, bedding, &c.

He shall prescribe such rules and regulations as he may think necessary for the direction of the attendants, and the order, cleanliness, and convenience of his patients; and cause them to be printed or written in a legible hand, and hung up in some conspicuous place in each ward.

He shall, from the descriptive lists in his possession, make regular muster rolls of the patients in his hospital, and also of his stewards, wardmasters, cooks, nurses, and matrons, in the form prescribed, for the examination and certificate of the inspector general, or officer acting as such, as in other cases of muster and inspection for payment.

He shall see that his steward makes out correct returns for rations, agreeably to the number of patients and attendants present; direct what part of the rations shall be retained, and sign the requisitions.

In lieu of the rations or parts of rations retained, he shall make requisitions upon the deputy commissary of subsistence, for such supplies of vegetables, poultry, milk, &c. as he may think necessary for the use of the sick: Provided, That the cost of the articles so purchased, does not exceed the value of the rations and parts retained, estimating the whole ration at 20 cents.

He shall once a month examine the books and accounts of his steward and wardmaster; see that the hospital stores have been properly applied, that the arms, clothing and equipments of the patients are cleansed, numbered, marked, registered and deposited in the wardmaster's room, and that a regular account is kept of the furniture, bedding, &c. in use

in the hospital; and if any attendant or patient shall be convicted of wilfully destroying or purloining any article of public property, the amount of its value shall be charged to him by the surgeon on his descriptive list, and deducted from his pay at the next payment; and it shall be the duty of the surgeon to prosecute any citizen who may buy or receive public property of any description from any one attached to the army, agreeably to the law on that subject.

Assistant Surgeons to General Hospitals.

The assistant surgeons shall obey the orders and instructions of the senior surgeon; see that subordinate officers attend strictly to their duties, and aid in enforcing the regulations of the hospital.

Each assistant shall accompany the surgeon in his morning visit to the ward assigned to his particular charge, make the proper entries in the case book, prescription book and diet book, and from the latter fill up the diet table for the day; in the evening he shall again visit his ward, and, if necessary, report to the surgeon.

He shall be responsible for the proper distribution and administration of the medicines prescribed, for the manner in which the wardmaster and nurses perform their duties in his own division, and that the patients conform to the prescribed regulations.

One of the assistant surgeons shall be detailed daily to reside within or near the hospital, at all hours of the day and night; he shall prescribe in urgent cases; examine such patients as may be sent to the hospital, see that they are regularly entered in the register, that their descriptive lists are filed, and if they do not bring them, report it forthwith to the surgeon, that the wardmaster takes charge of their clothing, arms and equipments, that they are washed, furnished with clean garments, and placed in their appropriate wards, and report to the surgeon the next morning, and immediately in important cases. He shall make the proper entries in the book containing the diary of the weather, and, as police officers of the day, see that all the orders and regulations of the hospital are duly attended to.

One of the assistant surgeons shall take charge of the books of the hospital, viz.: the register, case book, prescription book

and diet book, that containing the diary of the weather, and the orderly book; and shall call at the office of the adjutant generals every day, or as often as may be convenient, and transcribe all orders relating to the Medical Department. He shall also take charge of the descriptive lists of the patients, and have them regularly filed according to their companies and regiments or corps.

One assistant surgeon shall take particular charge of the dispensary, instruments and medicines; keep an account of expenditures, agreeably to the prescription book; make out the regular semi-annual returns of medicines, instruments, stores, &c., and present them to the surgeon for his examination and signature.

Hospital Steward.

It shall be the duty of the steward to receive and take charge of all hospital stores, furniture of every description, and supplies purchased for the use of the sick; to keep a roster of the nurses and attendants, and from this and the register to make out returns for rations agreeably to the number in hospital, and present them to the surgeon for his examination and signature; to receive and distribute the rations, and to submit his books and accounts to the surgeon for examination at the end of each month.

He shall issue the hospital stores and other supplies to the cooks and nurses, and enter in a book daily, the amount of each article delivered; for which the diet book and written orders of the surgeon and assistant surgeons shall be his vouchers. He shall deliver to the wardmasters such articles of bedding, furniture, cooking utensils, &c. as shall, by written orders, be directed for the use of the hospital; be responsible for the order and neatness of the store-room; and on no account, allow any of the patients or attendants to enter it in his absence, or to remain there longer than may be necessary to obtain their supplies.

Wardmaster.

The wardmaster shall receive from the steward, all the furniture, bedding, cooking utensils, &c., required for the use of the hospital, and be held responsible for them. He shall

keep a book in which shall be recorded the articles distributed to the several wards and kitchens, holding the nurses and cooks responsible for whatever he may deliver them. He shall once a week take an inventory of every thing in use, and report to the surgeon whatever is missing, worn out, or destroyed by order; and also the name of any patient or attendant whom he may suspect of wilfully destroying or purloining any species of public property.

On the admission of a patient, he shall take charge of his clothing, arms, and equipments; see that they are made perfectly clean; that they are registered in a book, which he shall keep for the purpose, numbered, labelled with the name, rank, company, and regiment or corps of the owner, and deposited in an appropriate apartment; and, in case of his death, he shall deliver the surgeon an inventory of the above named articles, together with any money, &c., left by him.

The cooks, nurses, and attendants, shall be under his immediate direction, and subject to his orders. He is responsible for the cleanliness of the patients and attendants of the kitchens, wards, furniture and cooking utensils. He shall call the rolls of the wards at sun rise and sun set, and report absentees; see that every patient is washed and his hair combed every morning, and shaved, when his case will permit, at least thrice a week; that the wards are swept and sanded, and the beds made before the time of the morning visit of the surgeon; that the close stools and spit boxes are made perfectly clean every morning, and the pans emptied and washed immediately after being used, and partly filled with powdered charcoal and water; that the beds and bedding are frequently aired and exposed to the sun, and the straw changed once a month, and oftener if necessary; and when a patient dies, that the straw is burned, the bunk, bed sack, and bedding cleansed and returned to the steward, if not wanted in the hospital.

Regimental Surgeons.

The regimental surgeons shall obey the instructions of the assistant surgeon general, and the medical director; be responsible for the order and neatness of his hospital or infirmary, for the manner in which his mates and attendants

perform their respective duties, and for the comfort and convenience of those sick in quarters.

He shall observe all the regulations given for the surgeon attending a general hospital in relation to the register, case book, prescription book, diet book, orderly book, and that containing a diary of the weather, the medical topography of his post or station, &c. and also all those respecting the ventilation of his hospital, preventing, or obviating the effects of contagion; prescribing suitable police regulations; making out muster rolls of his nurses and attendants; signing requisitions for rations; directing what part shall be retained; making returns for vegetables, poultry, &c.; examining the returns, books, and accounts of his steward and wardmaster; and punishing those who wilfully destroy or purloin public property, or receive any property thus purloined.

He shall receive written morning reports of sick from the orderly sergeant of each company, who shall see that those reported present themselves at the place appointed by the surgeon; and be present himself at their examination; he shall immediately report all cases of feigned sickness to the commanding officers of companies, prescribe for those who are able to remain in their quarters, and send those who require it to the hospital; he shall then visit his hospital, prescribe himself, in all important cases, and in the evening again see those who require particular attention.

Unless when specially directed, or in uncommon cases, he will send no patients to the general hospital, except his own be crowded, or he be ordered to march; when he will send all whom he may judge unable to accompany the regiment; and with them a report, in the form prescribed, stating their names, rank, &c. together with a general account of the symptoms and duration of their complaints, and the treatment adopted; and he shall on no account neglect to obtain from the commanding officers of companies certified copies of their descriptive lists, and to transmit them, together with their clothing, arms, and equipments, to the surgeon having charge of the hospital.

He shall designate to the commanding officer those who should be allowed to ride; or have their knapsacks, &c. carried in the waggons; accompany the regiment; be within call in case of accident, and at all times have his instruments and dressings ready and at hand to attend the wounded.

He shall accompany the officer appointed to select ground for an encampment, and as far as consistent with other arrangements, recommend such places, and that the tents be pitched in such manner, as may be best calculated to protect the soldier from the inclemencies of the weather; and, when necessary, advise that the floors be raised, or other means taken to prevent the bad consequences of low and uneven positions.

When his regiment is in quarters or permanent encampments, he shall immediately point out, and the quarter-master shall furnish a suitable place for the reception of the sick; and whenever it is practicable, he shall procure for this purpose some building in the vicinity, only putting his patients in tents when absolutely necessary. He shall frequently visit the tents, see whether they are kept as dry as the nature of the ground will permit, and whether they are clean, and occasionally aired and struck. When in quarters he shall from time to time inspect the rooms and kitchens; so far direct the manner of preparing the food as he may think necessary for the health of the soldiers; examine the quality of the various parts of the ration, and immediately report to the commanding officer any defects he may discover; see that the vaults are dug at a proper distance from the camp, and frequently covered with fresh earth; and either by special reports, or in his remarks on his morning reports, make such observations and suggest such improvements upon all these points, as he may think necssary to preserve the health of the troops, and for the comfort, convenience, and recovery of the sick; and the commanding officer of his regiment shall issue such orders as he may think necessary and proper to remedy the evils and supply the defects thus reported to him.

He shall report to the commanding officer of companies, such men as are unfit for service, furnish a certificate to those entitled to pension, in the form prescribed, and accompany the inspecting officer on muster and inspection days, and see that they are mustered accordingly.

Regimental Mates.

When the number of patients permits, and both mates are present, the hospital shall be divided into two equal wards,

which shall be under the immediate direction of the respective mates. They shall accompany the surgeon in his morning visit; make the proper entries in the case book, prescription book, and diet book; frequently visit the hospital during the day, and report to the surgeon in the evening, and oftener in urgent cases; attend to the preparation and distribution of the medicines; assist in making out the proper reports and returns; see that the nurses are attentive to the sick, and regularly administer the medicines prescribed; and that the regulations of the hospital are strictly attended to.

If both mates be present, the senior shall take charge of the register, and see that each patient be regularly entered therein; that the diary of the weather be properly kept; and that the steward and wardmaster attend to all the duties required by the regulations. The junior shall have particular charge of the medicines and instruments, and be responsible to the surgeon for their good condition; and see that all orders relating to the medical department are transcribed in the orderly book.

In the absence of the surgeon, the senior mate present shall perform his duties.

Post Surgeons.

The post surgeon shall obey the instructions of the assistant surgeon general and medical director; be responsible for the order and cleanliness of his hospital, the manner in which his attendants perform their duties, and for the comfort and convenience of the sick.

He shall observe all the regulations given for the surgeon attending a general hospital, in respect to the books and accounts to be kept; the ventilation of his hospital; preventing and obviating the effects of contagion; prescribing suitable police regulations; making out muster rolls of his nurses and attendants; signing requisitions for rations, and directing what parts shall be retained, making returns for vegetables, poultry, &c. examining the books and accounts of the steward and wardmaster; and punishing those who destroy or purloin public property, or who receive any property thus purloined.

He shall also observe all the regulations given for the regimental surgeon, in respect to receiving morning reports;

reporting cases of feigned sickness; visiting his hospital, and prescribing for his patients; selecting a suitable place for their reception; inspecting the tents, or quarters and kitchens, and directing the manner of preparing the food; examining the quality of the rations; making special reports to the commanding officer, or suitable remarks on his morning reports, upon whatever may conduce to the health of the troops or recovery of the sick; reporting those unfit for service; furnishing certificates for pension, attending the inspecting officer, and seeing them mustered accordingly.

Stewards and wardmasters of regiments, posts, or garrisons.

Every regimental surgeon may, with the consent of the commanding officer, select an active, intelligent non-commissioned officer, and every post surgeon, a private, who shall be permanently attached to the hospital, and act as steward and wardmaster; and who shall observe all the regulations above given for the direction of the steward and the wardmaster of a general hospital. Citizens may be employed in lieu of soldiers, at the option of the surgeon; if engaged for the hospital or infirmary of a regiment, they will be allowed sixteen dollars per month, and one ration per day; if employed at a post or garrison, they will receive ten dollars per month, and one ration per day.

Of reports, returns, requisitions, &c.

Every surgeon, and mate acting as surgeon, shall make a quarterly report of the sick to the Surgeon General in the form and manner prescribed, with remarks relative to the nature and symptoms of the complaints reported, the treatment adopted, and the medicines and stores most in demand; and also transmit therewith, a correct copy of the entries for the quarter in the book kept for the diary of the weather, with his observations upon the medical topography of the post, station or hospital; the climate, prevalent diseases, and their probable causes.

Every surgeon and mate, having charge of sick, shall make a monthly report to the medical director of the army or district to which he belongs; and every one attending the sick

of a regiment, post, or garrison, shall make a morning report to the commanding officer in the form prescribed.

All surgeons attending recruiting rendezvous, will make monthly reports to the Surgeon General of the number of men examined by them, in the form prescribed.

Every surgeon and mate, on being ordered to a new station, shall immediately inform the Surgeon General thereof, and also from whom he received the order; on receiving a furlough, he shall also report it, stating by whom and for what length of time it was granted, and report himself once a month until his return to duty.

All applications of post surgeons for change of stations, shall be made to the commanding generals of divisions; and will be immediately reported to the Surgeon General, with the reasons assigned therefor.

Every surgeon and mate having charge of public property of any description for the use of the sick, shall make duplicate returns of the same to the Surgeon General on the 31st of March, and the 30th of September annually; and on the 31st of December, make also, agreeably to the standard supply table, duplicate requisitions or estimates of the supplies required for the ensuing year, noting the number of troops for which they are made.

On receiving supplies, they shall immediately report to the Surgeon General their quality and condition; and whether the articles received, agree with the invoice of the Apothecary General or his assistant.

The regular supplies of medicines, instruments, hospital stores, bedding, dressings, medical books and stationary will be purchased by the Apothecary General and his assistants only, agreeably to the annual requisitions of the surgeons and mates. Whenever an extra supply is required, in consequence of the marching of a detachment, the arrival of a greater number of men at a post than had been estimated for, the loss or miscarriage of any article, unusual expenditure from a sickly season, &c. requisitions, agreeably to the standard supply table, will be made for them by the attending surgeon, and countersigned by the commanding officer of the regiment, post or detachment; and if they cannot be conveniently obtained from the apothecary general or his assistant, they may be purchased by the surgeon, or an officer of the quarter-master's department. Duplicates of such requisi-

tions will in all cases be immediately forwarded to the surgeon general, and the reasons stated which rendered them necessary.

Requisitions for cooking utensils, and such other articles of hospital furniture as cannot be conveniently obtained from a commissary of purchases, or a military storekeeper, will be made upon an officer of the quarter-master's department, who will furnish the articles required, the requisitions being countersigned by the commanding officer of the department, regiment or post.

When a surgeon is ordered away from the medical supplies under his charge, he shall immediately make to the surgeon general, a return of all articles received, expended and issued since his last regular return, accompanied with a receipt in detail for the remainder, if he be relieved by a surgeon; but if he deliver it to the quarter-master of a regiment or post, a military storekeeper, or other person than a surgeon, he shall, with the returns, and one of the receipts given him, transmit an invoice of the articles delivered, certified on honor, a copy of which invoice, signed by him, shall be left with the medicines, stores, &c. And when any surgeon or apothecary receives the articles thus left with a quarter-master, military storekeeper, &c., he shall in his next return state by whom they were left, as well as from whom they were received.

Surgeons receiving a furlough, will be held responsible for all public property under their charge; they will therefore take duplicate receipts for the same; and if they be absent three months, they will be required to transmit to the Surgeon General returns, receipts and invoices, as directed in the preceding regulation.

Medical and hospital supplies are not to be detained or diverted from their destination, except by generals of division, and commanding officers of departments, in cases of absolute necessity; when a report will be promptly made to the Adjutant and Inspector General, that further orders for deficiency may be given.

Whenever any instruments, stores, &c. put up for and directed to, one post, garrison, regiment, or hospital, are by the orders of any officer, taken for the use of another, it shall be the duty of the surgeon receiving them, to report the circumstances immediately to the Surgeon General, and to transmit

to him a certified copy of the order, the reasons for which it was given, and a receipt for the articles; and also, when practicable, to notify the surgeon for whom they were intended, and on the receipt of his own supplies, to furnish him with the same amount.

Rules with regard to Militia Drafts.

1st. All militia detachments in the service of the United States, must be made under the requisition of some officer of the United States, (to be hereafter authorised to make such requisition,) on the executive authority of the state, or of the territory, from which the detachments shall be drawn.

2d. In these requisitions shall be expressed the number of privates, non-commissioned and commissioned officers, required, which shall be in the same proportions to each other, as obtain in the regular army. The looser method of requiring regiments or brigades, will be discontinued.

3d. It shall be the duty of the officer mustering and inspecting militia detachments, to make immediate report thereof to the war department, and

4th. Payment will be made through the regimental paymaster in all cases in which the corps shall be organised as a regiment; and in all cases in which it shall fall short of the number necessary to that organisation, by the paymaster accompanying the army or division to which it may belong.

General Regulations.

Surgeons of regiments will have precedence over post surgeons, and post surgeons will have precedence of regimental mates; in these several grades further reference will be had to date of commissions. In the choice of quarters, the medical staff will have precedence of subalterns, under the direction of the commanding officer, who may always claim precedence of those under his command.

Every surgeon having charge of a general hospital, shall appoint his own steward, wardmaster, cooks and nurses; and if they be taken from the line of the army, it must be with consent of the commanding officer of the army, district or department. Every surgeon of a regiment, post or garrison shall, also, with the consent of his immediate commanding

officer, select his attendants. They shall be permanently attached to the hospital or infirmary, and exclusively under the orders of the surgeon and mates; and shall not be removed, except for misdemeanor, and at the request of the surgeon, unless in cases of urgent necessity; and then only by the order of the commanding officer of the district, department, army, regiment, post or garrison to which they belong.

The following will be the allowance of attendants on a hospital, or infirmary in ordinary cases: To a general hospital, one nurse to every ten, one matron to every twenty, and one cook to every thirty patients: To a regimental hospital, one non-commissioned officer as a steward and wardmaster, one cook, two matrons, and four nurses: To a post or garrison, with one company, one private, as steward and wardmaster, and two nurses, or one nurse and one matron; for each additional company, one nurse. The non-commissioned officer who acts as steward and wardmaster, to receive 20 cents per day extra pay, and the private employed as steward and wardmaster, to receive 15 cents per day extra pay. The matrons to receive six dollars per month and one ration per day.

The allowance of quarters, fuel and straw, for the sick, and of waggons for transporting medicines, stores, furniture, &c. will be regulated by the surgeon and commanding officer or medical director; the requisitions to be made by the former and countersigned by the latter.

Hospital stores will be furnished only to the officers, non-commissioned officers, musicians, privates, and enlisted artificers and laborers in the service of the United States; and medicines only to them and their families.

Whenever a soldier is sent to a general hospital, or left in the hospital or infirmary of a regiment, post or garrison, it shall be the duty of the officer or surgeon sending or leaving him to furnish a certified copy of his descriptive list to the surgeon taking charge of him; who shall on the return of the soldier to duty, transmit it to the officer under whose command he is put, with a certificate of any payments made or clothing issued to him while in hospital.

Should a soldier leave an hospital on furlough, he shall be furnished with a certified copy of his descriptive list; should he desert, it shall be the surgeon's duty to advertise him in

the usual manner; and in case of his death, his descriptive list shall be preserved in the hospital for the benefit of his friends and heirs, and on it shall be stated the amount of clothing, money, &c. left by him; and the surgeon shall in all these cases forthwith inform the commanding officer of his company or regiment of the facts and the attending circumstances; and also of the time to which those who die were last paid, and the money and effects in their possession at the time of their decease.

Patients will not be removed from an hospital until reported by the surgeon for duty, except in cases of emergency; and then only by the order of the commanding officer of the post, regiment or army.

Whenever a soldier is rendered incapable of performing military duty by reason of wounds or injuries received in in service, and while in the line of his duty, any surgeon or mate of the army, upon obtaining sufficient evidence of the fact, the time, place, and manner of its occurrence, shall furnish him with the necessary certificate to obtain his discharge and pension in the form prescribed; *a duplicate of which he shall in all cases forward to the Adjutant and Inspector General.*

No candidate shall receive the commission of surgeon or mate in the army, who has not obtained a diploma or certificate from some respectable medical school, college or society, or passed the examination of an army medical board.

No surgeon of the army shall be engaged in private practice.

When any officer employs a citizen surgeon, he shall immediately inform the Surgeon General of his name and place of residence, and also cause him to be furnished with a copy of the regulations of the Medical Department.

Citizens employed as surgeons will be allowed the following rates of compensation: For attending a post, garrison or detachment of one hundred and upwards, including soldiers' wives, forty dollars per month; of from fifty to one hundred, thirty dollars per month, and for attending any number under fifty, twenty dollars per month, exclusive of medicine. When they furnish their own medicine, they shall be allowed an addition of from twenty five to fifty per cent. upon their pay, the proportion to be determined by the Surgeon General or medical director. If engaged to accompany a regi

ment or detachment on a march or expedition, they will, while actually thus employed, be allowed the full pay and emoluments of a regimental surgeon's mate. They will be required to make quarterly reports of sick to the surgeon general, and morning reports to the commanding officer, in the form and manner directed for the surgeons of the army; and when they have charge of public property of any description, they will make returns of the same, at the times, and in the manner required by the regulations, or as often as the surgeon general may direct.

Their accounts must be accompanied with a certificate from the officer employing them, of the number of men under his command, and the length of time they were employed, and also with a report of the sick under their charge; or of the cases that may have occurred subsequent to their last quarterly reports.

The accounts of citizen physicians for attendance upon officers of the army, will state the charge for each visit, and be accompanied with a certificate from the physician, that they are the usual charges of the place, and by one from the officer that the attendance was given, that he was not on furlough during the time, and that no surgeon of the army could be obtained.

SUBSISTENCE DEPARTMENT.

Commissary General of Subsistence.

The Commissary General of Subsistence will be stationed at Washington, and will have a general superintendence of his department. He will make all estimates of expenditure for his department; regulate the transmission of funds to his assistants; receive their returns and accounts, and adjust them for settlement.

Assistant Commissaries of Subsistence.

It shall be the duty of assistant commissaries of subsistence, or storekeepers, to receive and account in the manner hereafter prescribed, for all subsistence stores entrusted to their charge; and to make and transmit to the proper accounting officer, through the office of the commissary general of

subsistence, all returns and accounts. They will not receive subsistence stores from the contractors, until duly inspected, according to the terms of the contract.

In case of failure on the part of the contractor, or a deficiency of rations, the military storekeeper, or assistant commissary of subsistence stationed at the depot where such failure happens, shall give immédiate notice thereof to the commissary general of subsistence; shall, at the same time, make purchases of the necessary supplies, on the best terms possible; and will draw bills at sight on the commissary general of subsistence for the payment of his purchases.

It shall be the duty of the several assistant commissaries of subsistence, or storekeepers, stationed at the depots where subsistence stores shall have been inspected and delivered, agreeably to the conditions of the contract, to give the contractor duplicate receipts for the same, stating at length the articles as enumerated in the contract.

Assistant commissaries of subsistence, at posts which are supplied from an established depot, will make early requisitions (approved and countersigned by the commanding officer) on the military storekeeper, or assistant commissary of subsistence, stationed at such depot; and as in general, the deliveries at depots are made quarterly, it is preferred that requisitions should be made for the same period. Subsistence stores will, however, be furnished in such quantities and at such times as commanding officers may require.

Whenever it is found necessary to forward subsistence stores to an outpost, the assistant commissary of subsistence or storekeeper stationed at the depot, will require the necessary transportation of the Quarter-master's Department, and will forward with the supplies, triplicate invoices; two of which will be receipted and returned by the receiving commissary, and one of them must accompany the monthly return of stores received and issued.

The assistant commissary of subsistence, or storekeeper, will be held strictly accountable for the good condition of the supplies, when turned over to the Quarter-master's Department for transportation. They will be held accountable for the safe keeping and storage of all supplies entrusted to their charge; and they will require of the Quarter-master's Department, good and sufficient storehouses for that purpose; and it will be their duty to examine frequently into the state

of the stores, and to prevent damage or waste of every description.

Should subsistence stores become damaged or unfit for issue, the assistant commissary of subsistence, or storekeeper having them in charge, will report the same to the commanding officer of the post, who is hereby authorised and required to institute a board of survey, to be composed of two officers, when the service will permit; otherwise, of two respectable persons, well qualified, to act under oath; and all stores found damaged and unfit for issue, from causes other than neglect of the assistant commissary of subsistence or storekeeper, shall be condemned and sold; the auctioneer's bill of such sale to accompany the account current, and an invoice of the stores thus condemned, with the cause of damage, certified by the board of survey, to accompany the monthly return of stores received and issued; and in case the board of survey be of opinion that stores have been damaged by the neglect of the assistant commissary of subsistence or storekeeper, they will make out an invoice of the articles damaged, and certify the same to the commissary general of subsistence, at Washington, who will have the amount of such damaged articles charged to the assistant commissary of subsistence or storekeeper, in his accounts with the United States.

Issues to the troops will be made on provision returns signed by the commanding officer of the post agreeably to the form hereafter prescribed, and at the end of every month, the assistant commissary of subsistence will make out duplicate abstracts, which will be compared with the original returns, and certified by the commanding officer of the post, one of which abstracts must accompany the monthly returns of provisions received and issued. Issues will be made to men in hospital, on returns signed by the senior surgeon, and the costs of the component parts of the ration, drawn by the surgeon for the sick in hospital, will be charged to them, and they will be credited by the whole return computed at twenty cents per ration; the balance found due the hospital on each return, will be expended by the assistant commissary of subsistence, for such articles of poultry, vegetables, milk, &c., as the surgeon may require, taking care that the amount expended does not exceed the sum due; the articles thus purchased, will be accounted for by the assistant commissary of

subsistence, in his monthly return, in the same manner as the other stores received and issued. Abstracts for issues to the hospital, will be made out by the assistant commissary of subsistence, and certified by the surgeon in the usual form, one of which will accompany the return of stores received and issued.

At all places where fresh beef can be procured for issue, the assistant commissary of subsistence will purchase, giving, if practicable, public notice for proposals, and he will enter into a written agreement for its delivery at the post, at such times as may be most conducive to the health and comfort of the troops, not exceeding twice a week; a duplicate or certified copy of the agreement, to be forwarded to the commissary general of subsistence at Washington.

When troops are detached to points where there is no assistant commissary of subsistence, the commanding officer of the post or detachment, may appoint an officer to do that duty, who will, while acting, be entitled to the additional pay of an assistant commissary of subsistence; but as such appointments are only made to meet the casualties of service, the officer thus appointed, will not be considered on pay, after he has ceased to perform the duties. Officers making appointments of this nature will forthwith report them to the commissary general of subsistence at Washington.

Assistant commissaries of subsistence, and military storekeepers will be located by the commissary general of subsistence, at the several permanent depots and established posts, and they will not be removed but by orders of the commanding general of the troops, or to the commissary general of subsistence, except when posts are evacuated, in cases of arrest, or when required as witnesses before courts martial; in such cases, a suitable person will be appointed by the commanding officer to do that duty.

The wastage on issues will be ascertained quarterly, or at such other periods, when from the small quantity of provisions on hand, it can be readily ascertained; and the actual wastage thus found, will be charged in the monthly returns of provisions received and issued.

The empty barrels and boxes, &c., will be sold by the assistant commissary of subsistence, and the amount accounted for in his quarterly account current.

The commanding officer of each garrison or post, where an

assistant commissary of subsistence or military storekeeper is stationed, will detail a suitable non-commissioned officer or soldier, to be subject to such duties only, as the assistant commissary of subsistence or military storekeeper may require.

Extra issues of candles, soap, salt and vinegar, will be made on returns expressing the number of pounds, quarts, &c. The returns will not be entered in the abstract of issues to the troops, or to the men in hospital, but will form an item of themselves, and be entered in the return of provisions received and issued. Should more than one return of this description be made, within the month, they will be abstracted, and the abstract will be entered in, and accompany the return. Extra whiskey is usually drawn by the ration, and will be entered in the abstract of provisions issued.

At distant stations, where there is a difficulty of procuring provisions, assistant commissaries of subsistence are permitted to sell to officers of the army, such articles of subsistence as they may require, charging them the contract price, to which must be added the cost of transportation; the articles thus disposed of, will be entered in the monthly returns of provisions received and issued; and the sums received in payment, will be accounted for in the quarterly account current.

It is directed that monthly returns be made to this office, of all subsistence stores received and issued. The upper columns of the return, will exhibit the quantities received from contractors, assistant commissaries of subsistence, storekeepers, and of all purchases made during the month, which, when added together, will show the "total to be accounted for." The lower columns will explain the manner in which these stores have been disposed of. The issues made to the troops, to men in hospital, delivered to assistant commissaries of subsistence and storekeepers, condemned and sold, wastage, and the quantity on hand, which, when added, ought to correspond with the total to be accounted for. The lower column of the return must be supported by abstracts of issues, to the troops, to men in hospital, receipts of an assistant commissary of subsistence, military storekeepers, the certificate of board of officers, when provisions are condemned, and also a certificate on honor, as to the waste which has occurred in issuing.

Abstracts of provisions. The total number of rations will be converted into bulk, and placed at the lower line of the abstract "quantity in bulk," according to the following table: 196 pounds of flour to the barrel, 196 pounds corn meal to the barrel, 200 pounds of pork to the barrel, 200 pounds of salt beef to the barrel, 32 gills of whiskey to the gallon, 32 quarts salt to the bushel, 32 quarts peas or beans to the bushel, and small rations at the rate of 4 pounds soap, 1 1-2 pound candles, 2 quarts salt, 4 quarts vinegar, and 12 quarts peas or beans to the hundred rations.

Accounts current—Will be forwarded at the expiration of each quarter of the year, ending 31st March, 30th June, 30th September, and 31st December. The debit side will exhibit the amount of all moneys expended in the purchase of provisions, and all authorised expenses. Two abstracts are required, the one for all purchases made of subsistence stores, the other of all contingencies, supported by bills regularly receipted, folded to uniform size, endorsed and entered in the abstract according to date, and the amount of the abstract will be charged in the accounts of the quarter. The credit side will exhibit all moneys received from government or its agents, and all sums accruing from the sale of damaged provisions, empty barrels, casks, &c.

A book will be kept at each permanent post and depot, ruled to correspond with the monthly return, in which will be entered all subsistence stores received, stating from whom received, and whether they were purchased and paid for; entries will also be made therein of all stores delivered to assistant commissaries of subsistence, and military storekeepers, and at the end of each month, the amount of issues to the troops, and to men in hospital, must be included, so as to exhibit a full and accurate statement of all receipts and issues: in case of removal, the book must be left at the post for the benefit of the service.

The component parts of the ration are as follows: 3-4 pound of pork, or 1 1-4 pound fresh beef, or 1 1-4 pound salt beef, or 12 ounces of bacon, 18 ounces of bread or flour, or 12 ounces of hard bread, or 1 1-4 pounds corn meal, one gill whiskey, and at the rate of 4 pounds of soap, 1 1-2 pounds candles, 2 quarts salt, 4 quarts vinegar, and 12 quarts peas or beans to the hundred rations.

Each assistant commissary of subsistence, and subsistence military storekeeper, will be allowed a half cord of fuel per month, for the months of November, December, January, February, March and April, for the use of their storehouses, in addition to their individual allowances.

MISCELLANEOUS RULES.

Generals will appoint their own aids de camp, who must, in all cases, be taken from the subalterns of the line. Major Generals are allowed two aids de camp, and Brigadier Generals one aid de camp, each. No more than three aids de camp will be taken from the corps of artillery stationed in either division, and not more than one aid de camp from a regiment.

No officer shall be permitted to hold two staff appointments at the same time.

The appointment of all aids de camp, and adjutants and quarter-masters of regiments and battalions, will be forthwith reported to the Adjutant and Inspector General.

Whenever a storekeeper is required by the commissary general of purchases, or the ordnance department, the circumstances rendering such appointment necessary will be reported to the War Department, by whom the appointment will be made, if deemed necessary.

All officers, whatever may be their rank, passing through a garrison town, or established military post, shall report their arrival at such town or post, to the commanding officer, by written notice, if the officer arriving be elder in rank, and personally if he be younger in rank than the officer commanding.

All officers arriving at the seat of government will, in like manner, report to the Adjutant and Inspector General.

No furlough shall be given during a campaign, but by the general commanding the district or army, and for the cause of disability, which disability shall be certified by a regimental or hospital surgeon.

Furloughs shall, beside expressing the term of time grant-

ed to absentees, express also an order to join the regiment, post or garrison to which they may belong.

No order shall be given to officers seeking a furlough for their own convenience, which shall have the effect of entitling them to an allowance for transportation of baggage.

Any commissioned officer of the army of the United States, who shall send or accept a challenge to fight a duel, or who, knowing that any other officer has sent or accepted, or is about to send or accept a challenge to fight a duel, and who does not immediately arrest and bring to trial the offenders in this case, shall be dismissed the service of the United States.

No claims for extra services will be allowed on account of attendance on courts martial, whether as members or as witnesses, if performed by officers on furlough, or on duty, at the post or place where such court is held.

All claims of allowance for extra services, and contingent accounts requiring the special sanction of the Secretary of War to the accounting officers, must be rendered within six months after the services, or expenditures, where it may have been within the power of the officers to comply with the regulations.

Medical and hospital supplies are not to be detained or diverted from their destination, except by generals of division, and commanding officers of departments, in cases of absolute necessity, when a report must be promptly made to the Adjutant and Inspector General, that further orders for deficiency may be given.

Surgeons of regiments will have precedence over post surgeons, and post surgeons will have precedence of regimental mates; in their several grades, further reference will be had to date of commissions. In the choice of quarters, the medical staff will have precedence of subalterns, under the direction of the commanding officer, who may always claim precedence of those under his command.

Patients will not be removed from a hospital, until reported by the surgeon for duty, except in cases of emergency, and then only by the order of the officer commanding the department, post or army.

Whenever a soldier is sent to a general hospital, or left in the hospital or infirmary of a regiment, it shall be the duty

of the officer or surgeon sending or leaving him, to furnish a certified copy of his descriptive list.

Whenever an officer employs a citizen surgeon, he shall immediately inform the Surgeon General of his name, place of residence, and also cause him to be furnished with a copy of the regulations of the Medical Department.

When medical or surgical aid is required, if no surgeon or mate of the army be at or near the post or place, the senior officer shall have authority to obtain such by special agreement in writing, agreeably to the regulations for the Medical Department.

Whenever it becomes necessary to employ a citizen surgeon, the circumstances of the case will be immediately reported to the commanding officer of the department, and to the Adjutant and Inspector General.

Whenever a body of troops shall arrive at any military station, accommodations for the *sick* will be first provided, and subsequently those for officers and privates who are well; and to accomplish this, all artificers and mechanics shall be instantaneously put in requisition.

Women infected by the venereal disease shall, in no case, nor on any pretence, be allowed to remain with the army, nor to draw rations.

More than four women shall not be allowed to a company when organized and completed agreeably to the establishment. Nor shall any be allowed to accompany recruiting parties, which shall be fewer than seventeen men, nor shall more than one accompany parties of that number.

No contractor or commissary shall be justified in issuing rations to women, who are followers of the army, beyond the number allowed.

Quarter-masters of regiments or of corps, will cause the company provision returns to be consolidated and carried to the commanding officers of regiments and of detachments or brigades, for their signatures. Abstracts of these, furnished and presented by the contractors, will be signed by officers commanding brigades, (or separate posts,) and will thus become vouchers for the contractors.

No officer, commissioned or non-commissioned, shall be the agent of a contractor.

Whenever a requisition is made at any cantonment, garrison or post, for rations to troops on a march, or other than

the regular command of the officer who signs the abstracts; the original general requisition shall be annexed to the abstract, and make part of the voucher in the settlement of the contractor's account.

No charge for extra issues of whiskey will be allowed to contractors or commissaries, unless made upon the written order of the commanding officer of the post or detachment, specifying the cause and daily amount of such issues, and the time that they shall be continued. A copy of such order will be transmitted without delay to the third auditor of the Treasury Department, by the contractor or commissary; in default of which, the charge will be disallowed. No order issued subsequent to the expenditure, will be received as a voucher.

When it becomes necessary to purchase provisions, in consequence of the failure of contractors to supply, according to contract; the officer executing this duty, shall immediately transmit to the third auditor of the Treasury Department, the evidences of the failure on the part of the contractor to supply, according to contract; a duplicate copy of the bills of purchase, accompanied with his deposition, that the articles have been procured at the lowest price that the state of the market would permit, and no bill of exchange, or draught upon the War Department, on account of such purchase, will be accepted, until this regulation is complied with.

It is made the duty of all officers, agents, or persons, who shall have received, or may be entrusted with, supplies, either in money or in kind, appertaining to the pay and clothing of the army, the subsistence of officers, bounties and premiums, military and hospital stores, and contingencies, to render quarterly accounts of the disposition and state of such stores and supplies, to the second auditor of the Treasury Department; and in like manner it is made the duty of all officers, agents, or persons, who shall have received, or may be entrusted with supplies, appertaining to the subsistence of the army, the Quarter-master's Department, and generally all accounts of the War Department, other than those above mentioned, to the third auditor of the Treasury Department.

Whenever a commanding or other officer, charged with the safe keeping of public property, is removed from a garrison, post, or army, he shall deliver over to the officer who succeeds him in the duties of his department, all such public pro-

perty as may be in his possession or custody, and the duplicate receipts for the same, one of which he shall, forthwith, transmit to the second or third auditor of the Treasury Department, as the case may be, and one of all ordnance, ordnance stores, arms and equipments, to the Ordnance Office, Washington city.

Whenever public property is delivered over to any officer or agent, duplicate receipts will be taken for the same, one of which will be transmitted to the office of the second or third auditor.

Whenever soldiers are transferred from one corps to another, (which can only be done by the consent of the commanding officers, or by the War Department,) or ordered on distant command, or furloughed, or sent to the general hospital, or left sick, distant from the regiment or detachment, the officer commanding the company or detachment to which such men belong, will furnish a complete descriptive list, and account of bounty, pay, &c. agreeably to the prescribed forms.

Whenever a soldier, sick in hospital, or absent from his company, from any other cause, shall die, the senior surgeon of such hospital, or the officer under whose immediate charge or command he may then be, shall immediately report the fact, in writing, to the commanding officer of his company, stating the time, place and cause, of his death, to what time he was last paid, and the money or other effects in his possession at the time of his decease; and such report will be noted on the next inspection return of the company.

Whenever a soldier is rendered incapable of performing military duty, by reason of wounds or injuries received in the service, while in the line of his duty, his commanding officer shall certify the time and manner of receiving such wound or disability; and the senior surgeon of the hospital, regiment, or corps, shall furnish such disabled soldier, with a certificate, on which the proper discharge shall be made by the inspector general, officer doing that duty, or commanding officer of the post.

All discharges which shall be given to non-commissioned officers, musicians, or privates, shall specify the date and term of enlistment, the cause of discharge, and when injured in service, the time and place; the personal description, place of birth, trade or occupation; and place of discharge.

Whenever the proper authority shall direct that any non-

commissioned officer, musician, or private shall be discharged on account of the expiration of enlistment, surgeon's certificate of wounds or disability, or other cause, the commanding officer of the company to which he belongs, shall make and furnish him with duplicate certificates, setting forth the date and term of his enlistment, where and by whom enlisted; his personal description, occupation, and place of birth; the bounty paid, and the bounty which is due him; to what time, and by whom, he was last paid; and also, whether he has, or has not, drawn the pay and subsistence allowed him to the place of his enlistment. These certificates will be given to the paymaster, who shall settle with him, as vouchers, but no paymaster will take from the soldier his original discharge.

To prevent embarrassment and delay, in settling the clothing accounts of paymasters, the commanding officer of every company, will be constantly in possession of a company receipt book, in which shall be entered all requisitions of paymasters for clothing, and a copy of all receipts given to commissaries and storekeepers, in consequence thereof, in which shall also be taken the individual receipts of the men for articles delivered. When a captain leaves the company, this book will of course come to the custody of the officer succeeding him in the command, who will give a receipt for all articles on hand, to be entered in like manner in the company book, and duplicates delivered to the officer from whom the book and clothing is received; one of which shall forthwith be transmitted to the regimental or battalion paymaster. The company receipt book shall always be open to the examination of paymasters and inspectors, as well as the commanding officers of regiments, corps, and battalions, whose duty it is at all times to report any deficiency in the clothing and the disposition of the same.

The senior officer of a regiment, corps, battalion, and company, stationed with the troops, shall be considered the commander of the same, and reported as such. In all returns, the incidental or casual duties of such officers, as commanders of departments, posts, &c. will be added in the column of remarks.

Whenever a captain is attached to a company, he is to be considered the commanding officer thereof, for all purposes relating to pay and clothing accounts and company returns. When relieved from such command, a regimental or battalion

order, to that effect, will be issued, assigning the company duties to the proper officer, who will be accountable accordingly.

All military communications intended for the War Department, and not of a confidential nature except from commanding generals, and where the delay would defeat the object, will be made through the office of the adjutant general of division, or the commanding officer of the department, and transmitted to the Adjutant and Inspector General's office, except in cases where a different mode is pointed out by regulation or special instruction.

In addition to the returns which are to be made to the Adjutant General of division, the commanding officer of every regiment or battalion will forward, direct to the Adjutant and Inspector General, monthly returns of the regiment or battalion, agreeably to the forms furnished by him.

Double rations will be allowed to commandants of divisions, departments, and separate posts.

All officers, previous to their leaving the service, will settle their public accounts, and accompany their letters of resignation, with a report of the proper auditor of the Treasury, to that effect, or a certificate on honor, that they have no unsettled accounts with the United States. Like reports or certificates will be required by paymasters and quarter-masters, previous to the settlement of pay and transportation of officers who have resigned.

All publications relative to transactions between officers of a private and personal nature, are prohibited. Any newspaper publication, or handbill of such character, will be cause for the arrest of an officer, and the foundation of charge against him. It is made the duty of all officers, having the power, to arrest and prefer evidence for charge on such publication; and whenever such charge is preferred, one specification of which will be the violation of this regulation, the proper authority will bring the officer to trial before a general court-martial.

All officers furloughed for more than one month, will be directed in the order granting the furlough, to report by letter with their address, monthly, to the Adjutant and Inspector General.

The receipt of all general orders, and all blank forms, will be promptly acknowledged by the officer to whom they are directed.

Duplicate discharges are prohibited, and no certificate will be given as a substitute for the original discharge, which will always be in the form prescribed.

Brevet officers shall receive the pay and emoluments of their brevet commissions, when they exercise command equal to their brevet rank, for example: a brevet captain must command a company; a brevet major, and a brevet lieutenant colonel, a battalion; a brevet colonel, a regiment; a brevet brigadier general, a brigade; a brevet major general, a division.

The commanding officer of every permanent post and garrison, where the public lands will justify such a measure, will annually cultivate a garden, by the troops under his command, equal to supplying the hospital and garrison with the necessary kitchen vegetables throughout the year; and he will be held accountable for any deficiency in the cultivation, preservation and proper distribution of the same, on the report of the inspector, or any other commissioned officer.

Whenever an officer is removed or relieved from the command of such post, the general, or officer giving the order, will cause him to be furnished with duplicate certificates of the state of his garden, and the amount and condition of vegetables on hand, one of which he will immediately transmit to the commissary general of subsistence, and a copy will be entered in the orderly book of the garrison, for the inspection of the proper authority.

No sentence to hard labor, or confinement, will be carried into effect beyond the expiration of the term of enlistment, and making up the time lost by desertion.

Regimental and battalion quartermasters, while performing the duties of assistant deputy quarter-master general, and regimental and battalion paymasters belonging to the line, will, for the time being, except in cases of emergency, to be designated by commanding generals, be excused from all details in the line of the army.

Regimental and battalion paymasters, not of the line, are not subject to detail, or orders for any service out of their department.

The commanding officer of each garrison and post, where an assistant commissary of subsistence is stationed, will detail a suitable non-commissioned officer, or soldier, to be subject to such duties only, as the assistant commissary may require for the time being.

The reward of thirty dollars will include all expenses of apprehending, securing, and delivering a deserter to an officer of the army, at the nearest or most convenient garrison, post, or recruiting station. Evidence of desertion, and the receipt of the officer to whom a deserter may be delivered, will constitute the vouchers on which the reward will be paid.

Seniority shall give precedence in the choice of quarters, other things being equal, but in regular cantonments, and where the barracks are constructed with that view, regard will be had to the location of companies, in determining the quarters of platoon officers, in which the discretion of the commanding officer will be exercised.

The proceedings of all general courts martial will be made on *letter paper*, to preserve a uniformity in the records, which will, in all cases, be transmitted to the Adjutant and Inspector General, according to regulation.

Whenever a soldier is sentenced capitally, the record will be reported separately, and the record of the trial of an officer, will not include the record, in the case of a non-commissioned officer, musician, or private.

Officers and agents who receive and disburse public money, shall keep their money in the bank on which the draught is given, unless otherwise permitted by the department, to which such officer or agent belongs.

All orders appointing general courts martial, when a less number than thirteen are to be detailed, and when such court cannot be constituted without inferior rank to the officer to be tried, will state that more officers cannot be detailed, or more rank cannot be designated for such duty, without manifest injury to the service, of which the officer ordering the court is always the proper judge.

Officers, when ordered to the seat of Government, in consequence of their own neglect in receiving or settling their own accounts, are not to receive the allowance for transportation of baggage.

No surgeon, or mate, will be allowed to leave his post, on furlough, unless he be relieved by an army surgeon, or procure a citizen to attend the sick during his absence.

No surgeon, or mate, shall apply for, or receive, a furlough for a period exceeding one month, without permission from the Secretary of War, to be obtained by the applicant through

the Surgeon General, to whom the reasons for such application will be reported.

Whenever an officer is relieved or is removed from a command in which he has been entrusted with public property, he will be furnished with duplicate receipts for the same by the officer who relieves or succeeds him in the command; one of which he will forthwith transmit to the second auditor of the Treasury; and before an officer's accounts are closed in the office of the third auditor, he will be required to produce a certificate from the second auditor, that all his accounts, *in kind*, are settled.

The date of the appointment and the date of removal from the office of aid-de-camp, will be promptly reported to the Adjutant and Inspector General.

Colonels of regiments and commandants of battalions of artillery will promptly report the name, date of appointment, and the date of removal of an officer from any situation in the staff, not only to the Adjutant and Inspector General, but to the paymaster of the regiment or battalion. Quartermasters of regiments and battalions will also be reported to the Quartermaster General, and the date of appointment and removal of conductors of artillery will be promptly reported to the Ordnance Department, by the commanding officers of he regiment of light artillery, and the several battalions of artillery, who are required to make the appointments.

The colonel or commanding officer of each regiment and corps, shall, annually, on the 30th of September, make in duplicate, a detailed report of the number and condition of the arms on hand belonging to his regiment or corps, and an estimate of the quantity required for the next year's issue; one copy of which will be promptly transmitted to the Adjutant and Inspector General, and the other to the Ordnance Department.

No division or department orders will supercede the returns and reports required to be made from regiments, corps and individuals direct to the Adjutant and Inspector General.

Articles of clothing allowed to each non-commissioned officer, musician, and private soldier, for and during the period stated, viz:

One leather cap with plate, One leather stock	To last two years and a half, or two, during the period of enlistment,
Two great coats, and three blankets	To each soldier, during the usual period of enlistment, (five years.)
One pompon, one cap band, and tassel	Annually.
One coat	Ditto.
One roundabout gray jacket, with sleeves, in lieu of a vest	Ditto.
Two pair of linen overalls	Ditto.
Two pair of woollen ditto	Ditto.
One fatigue frock	Ditto.
One pair fatigue trousers	Ditto.
Three pair of shoes (best kind)	Ditto.
Two flannel shirts	Ditto.
Two cotton shirts	Ditto.
Two pair of socks	Ditto.
Two pair of half stockings	Ditto.
One pair of half gaiters (black cloth)	Ditto.

Mittens to be furnished, and woollen or list mockasins, at the rate of eight pair for every company, annually; and two knapsacks, and two haversacks to each soldier, during the period of his enlistment, (five years.)

THE UNIFORM

OF THE

ARMY OF THE UNITED STATES.

The coat of the infantry and artillery shall be uniformly blue, no red collars or cuffs: and no lace shall be worn by any grade, excepting in epaulets and sword knots.

General officers, and all others of the general staff, not otherwise directed, shall wear cocked hats without feathers, yellow gilt bullet buttons, and button holes in the *herring bone* form.

The epaulets of major generals will have on the gold ground of each strap, two silvered stars.

The epaulets of brigadiers will have on each strap one star.

The uniform of the hospital, surgeons and mates, shall be black, the coats with standing collars; and on each side of the collar a star of embroidery, within half an inch of the front edge.

Undress uniform, and all other dresses resembling the military, without conforming to regulations are prohibited, excepting that black cockades, with yellow eagles, will always be worn by all officers of the army. Pattern buttons for all corps, and information relative to uniform, will be furnished by the commissary general.

Dirks will never be worn in lieu of swords by officers.

Of the general staff.

The coat—Single breasted, with ten buttons, and button holes worked with blue twist, in front, five inches long at the top, and three at the bottom. Standing collar to be united in front to the edge of the breast of the coat, not to rise higher than the tip of the ear, and always as high in front as the chin will permit, in turning the head. The cuffs not less than three and a half, nor more than four inches wide. The skirts faced with blue, the bottom of each not more than seven, nor less than three and a half inches wide; the length to reach to the bend of the knee. The bottom of the breast and two hip buttons to range.

On the collar one blind hole, five inches long, with a button on each side.

The blind holes on each side of the front, in the herring bone form, to be in the same direction with the collar, from top to the bottom.

Blind holes (in the like form) to proceed from four buttons placed lengthwise on each skirt. A gilt star, on the centre of the bottom, two inches from the edge.

The cuffs to be indented within one and a half inch of the edge, with four buttons lengthwise on each sleeve, and holes to the three upper buttons, corresponding with the indentation of the cuff, on the centre of which is to be inserted the lower button.

All general officers will be permitted to embroider the button holes.

The adjutants general, inspectors general, quartermasters general, and their assistants and deputies, will be permitted to embroider the button holes of the collar and cuffs only.

Vest, breeches and pantaloons—White, (or buff for general officers.) Vests, single breasted, without pocket flaps.—Blue pantaloons may be worn in the winter, and nankeen in the summer. Pantaloons—or breeches with four buttons on the knees, and gilt knee buckles.

High military boots and gilt spurs, will be worn only in time of war.

Black stock—of leather or silk.

Chapeaus—of the following form: the fan not less than six and a half, nor more than nine inches high in the rear, nor less than fifteen, nor more than seventeen and a half inches from point to point, bound round the edge with black binding, an half inch wide.

Button and loop, black. Cockade, the same, four and a half inches diameter, with a gold eagle in the centre.

Swords—Yellow mounted, with a black or yellow gripe. For the officers of the adjutant, inspector, and quartermaster general's department, sabres; for all others, straight swords.

Waist belts—of black leather. No sashes.

Epaulets—of gold; according to rank.

The dress of the hospital staff will conform, as to fashion, to the uniform of the staff, except that they will wear pocket flaps and buttons placed across the cuffs, four to each, and covered buttons, in all instances, of the color of the coat, (black.)

Chaplains, judge advocates, commissaries, storekeepers, and paymasters, are to wear cockades only.

Of the light artillery.

Coatee—of dark blue cloth, single breasted; three rows of buttons, nine in each. Button holes worked, diagonally, in blue twist. Standing collar; the height of the collar not to extend beyond the tip of the ear; the button holes of blue twist. Cuffs blue, with three buttons placed vertically upon the sleeve; the button holes worked with twist. Pocket flaps, diagonal with three buttons worked as the sleeve, two buttons at the waist, the skirts sloping from the hip. Wings, instead of epaulets, yellow bullion.

Vest—white cassimere or doe skin; (for the winter;) plain white jean, or nankeen, (for summer,) single breasted, with nine yellow buttons.

Pantaloons—White cassimere or doe skin; (for parade;) dark blue cloth (for service.)

Boots—hussar, in actual service.

Stock—black, leather, ribbed.

Spurs—shanks, one inch.

Buttons—yellow, half inch diameter.

Equipment—plain saddle.

Housing—scarlet cloth extending eight inches from the saddle, and brought to a point on the flank of the horse.

Holsters—bear skin, with double flaps.

Bridle—double bit, (yellow mounted,) reins, martingal, &c. black leather.

Portmanteau—black leather, two feet long, nine inches diameter.

Armament—sabres, gilt scabbards, black belt two inches broad, gilt plate in front with the eagle in relief; belt worn over the sash which is red, and tied on the right side; the sabre suspended by a chain.

Pistols—caliber of the cavalry, yellow mounted.

Dress of non-commissioned officers and privates—the same as that prescribed for the officers, with the exception of worsted being substituted for gold band and tassel, and other trimmings.

Of the artillery.

Coat—of the same length and general description with that of the staff.

Pocket flaps, cross indented below, not less than two and a half nor more than three inches wide, with four buttons and blind holes; two buttons at the opening of the pocket of each skirt; and a diamond of blue cloth, ornamented one and a quarter inch on each side, the centre two inches from the bottom of the coat.

The blind holes on either side of the front, with the coat buttoned close to the collar accurately to form lines with the corresponding ones opposite, from the top to the bottom, i. e. not to represent *herring bone*.

The cuffs with four blind holes, extending from four buttons placed across on each.

One blind hole on the collar, five inches long, with one button on each side.

Gilt buttons of the size and insignia furnished the commissary general of purchases from the War Department.

Vests, breeches, and pantaloons—for the field and staff, the same as those described for the general staff: and *vests and pantaloons*, for the officers of the line, the same, except the first and second particular articles.

Boots to reach to the calf of the leg.

Stocks and Chapeaus—of the same general description with those of the general staff.

Button and loop, of the chapeau, yellow.

Black cockade of leather, four and a half inches diameter, with a gold eagle in the centre. A white feather to rise eight inches.

Swords—cut and thrust, yellow mounted, with a black or yellow gripe.

Waist belts—of white leather two inches wide, yellow oval-plate of the same width.

Sashes—to be worn only on a tour of duty, and round the waist; the knot tied a little within the left hip, the end to hang over the left thigh.

Epaulets—of gold, (bullion and strap,) according to rank. The adjutant, quartermaster, and paymaster to wear a counterstrap on the opposite shoulder.

Post surgeons will wear the same uniform, except the cape, which is of black velvet.

Of the infantry.

The same as that pointed out for the officers of artillery, (surgeons and mates, same as post surgeons,) with the following exceptions:

The officers of the light companies will wear short coats with wings—when off duty, they are allowed to wear the regimental coat with epaulets.

The sword of the sabre form, and with mounting silver or plated. For the medical staff, small swords.

Epaulets, wings, buttons, spurs, buckles, and trimmings, silver or plated, and caps may be worn on duty.

The light infantry companies of regiments are allowed wings of worsted or cotton.

Of the riflemen.

The uniform for the non-commissioned officers, privates, and musicians, of the rifle regiments, will, hereafter, be as follows, viz:

A short coat of gray cloth, single breasted, flat yellow buttons, which shall exhibit a bugle surrounded by stars, with the number of the regiment within the curve of the bugle; one row of ten buttons in front, three on each sleeve, and three on each skirt, lengthwise, with blind button holes of black twist, or braid in herring bone form.

A waistcoat of gray cloth, with sleeves of the same. Pantaloons of gray cloth.

The Jefferson shoe, rising two inches above the ankle joint, and not higher.

For field or active service, the officers will wear uniforms like those of the privates, excepting as to the quality.

On other occasions, they are permitted to wear the uniform of the artillery, (surgeons and mates, as post surgeons,) except as to the buttons, the position of them, &c. which shall be the same with the field coat.

Epaulets of gold.

Yellow mounted sabres for officers and non-commissioned officers.

NOTE—The uniform of the Militia of Virginia is required to conform to that of the United States' army. Any alterations which may be made by the Executive will be made known by proclamation of the Governor.

The particular dimensions of the Uniform, as described above, will, of course be varied according to circumstances.

ANNUAL RETURN of the *Brigade of Virginia Militia, commanded by Brigadier General* *for the year*

	Total	Commandants of Regiments.	Brigade Staff.	Infantry, Grenadiers, Light Infantry, and Riflemen.
Number of Regiments.				
			Brigadier generals.	
			Aids-de-camp.	
			Brigade majors and inspectors.	
			Brigade quartermasters.	
			No. of regiments.	
			No. of companies infantry.	
			No. of companies grenadiers.	
			No. of companies light infantry.	
			No. of companies riflemen.	
			Colonels.	
			Lieutenant-colonels.	
			Majors.	
			Adjutants.	
			Quarter-masters.	
			Paymasters.	
			Chaplains.	
			Surgeons.	
			Surgeons' mates.	
			Captains.	
			Lieutenants.	
			Ensigns.	
			Sergeant majors.	
			Quarter-master's sergeants.	
			Drum and fife majors.	
			Sergeants.	
			Corporals.	
			Drummers, fifers, and buglers.	
			Privates.	
			Aggregate, including commissioned and non-commissioned officers, musicians & privates.	

Annual Brigade Return, continued.

Cavalry.			Artillery.		
No. of regiments or battalions.			No. of regiments or battalions.		
No. of companies or troops.			No. of companies.		
Colonels.			Colonels.		
Lieutenant-colonels.			Lieutenant Colonels.		
Majors.			Majors.		
Adjutants.			Adjutants.		
Quarter-masters.			Quarter-masters.		
Paymasters.			Paymasters		
Chaplains.			Chaplains.		
Surgeons.			Surgeons.		
Surgeons' mates.			Surgeons' mates.		
Captains.			Captains		
Lieutenants.			Lieutenants.		
Cornets.					
Sergeant majors.			Sergeant major.		
Quarter-master sergeants.			Quarter master sergeants.		
Sergeants.			Sergeants.		
Corporals.			Corporals.		
Trumpeters.			Drummers and fifers.		
Privates.			Privates.		
Aggregate, including commissioned and non-commissioned officers, musicians & privates			Aggregate, including commissioned and non-commissioned officers, musicians & privates.		

RECAPITULATION.—Aggregate of infantry, grenadiers, &c.
Aggregate of cavalry,
Aggregate of artillery,

NOTE.—The Regimental returns will conform to the above, except that the caption will be changed, and the columns for Brigade Staff omitted.

Annual Brigade Return, continued.

ARMS, ACCOUTREMENTS, AND AMMUNITION.

	In possession of the troops	In the state arsenals, or laboratories, or in possession of officers, undistributed.	TOTAL
Muskets.			
Bayonets.			
Cartridge boxes and belts.			
Bayonet scabbards and belts.			
Brushes and picks.			
Ball screws and worms.			
Spare flints.			
Ball cartridges.			
Rifles.			
Powder horns.			
Pouches.			
Loose balls.			
Pounds of rifle powder.			
Horseman's pistols.			
Swords.			
Sword scabbards and belts.			
Knapsacks.			
Canteens.			
Haversacks.			
Drums.			
Fifes.			
Bugles and trumpets.			

Annual Brigade Return, continued.

ARMS, ACCOUTREMENTS, AND AMMUNITION.

Ordnance, and Ordnance Stores.																				
Brass pounders.	Brass pounders.	Brass pounders.	Brass pounders.	Iron pounders.	Iron pounders.	Iron pounders.	Iron pounders.	inch howitzers.	inch howitzers.	Sponges and rammers.	Ladles and worms.	Bricoles and drag ropes.	Trail handspikes.	Lead aprons.	Ammunition boxes.	Caissons.	Ammunition waggons.	Tumbrils or powder carts.	Sets of harness.	Rounds of shot and shells.	Pounds cannon powder.

EXAMINED.

——— ——— *Brigadier General.*

——— ——— *Brigade Inspector.*

In the return of arms and accoutrements, it is unnecessary to introduce columns for articles that are not in the regiment or brigade; and where there are articles that have no column for them in the above, additional columns will be introduced.

FORM OF A QUARTER-MASTER'S BOND.

Know all persons by these presents, that we are holden and stand firmly bound and obliged unto his Excellency Governor of the Commonwealth of Virginia for the use of said Commonwealth, in the penal sum of $ 7000 specie, for which payment well and truly to be made to said Governor for the time being, and his successors in office, we bind ourselves and each of us, our heirs, executors and administrators, and each and every of them for and in the whole, jointly and severally, and firmly by these presents—Signed with our hands and sealed with our seals this day of 182 in the year of American independence.

THE Condition however of this obligation is such, That whereas the above bound is appointed Quarter-master of the Regiment of Virginia Militia. NOW, if the said shall well and truly execute and faithfully discharge, according to law and to instructions received by him from proper authority, his duties as Quarter-master aforesaid, and he, his heirs, executors or administrators, shall regularly account when thereunto required, for all monies received by him, from time to time, as Quarter-master aforesaid, with such person or persons as shall be duly authorised and qualified on the part of the Commonwealth for that purpose, and moreover pay into the Treasury of the state, such balance, as on a final settlement of said accounts, shall be found justly due from him to the said Commonwealth; and shall faithfully account to the Ordnance Department, for all arms, accoutrements and ammunition, which shall in any manner come to his hands; then this obligation shall be null, void and of no effect; otherwise to remain and be in full force and virtue.

Done in the county of the day and year above written.

Signed, sealed and delivered in the presence of

I, A B, do solemnly swear that I will diligently and faithfully execute and perform the duties of Quarter-master of

the Regiment of Virginia Militia, according to the best skill and abilities of which I am possessed—So help me God.

A. B.

Sworn and subscribed to, at in the state of Virginia, this day of 182 before me a justice of the peace for the county of C. D.

NOTE—This bond is to be executed, with good security and transmitted to the Adjutant General's office—The sufficiency of the security should be certified by the commandant of the regiment.

FORM OF A BOND FOR ARMS ISSUED.

Know all men by these presents, that we and are held and firmly bound unto Governor of Virginia, and his successors in office, in the sum of dollars—for the payment of which, we bind ourselves, our heirs and assigns, jointly and severally.

The condition of the above obligation is such, that whereas the above bound commands a of in the regiment of Virginia Militia, and has received from the Commissary General of Ordnance for the purpose of arming and equipping the said : now if the said shall keep the said at all times, in complete order, and subject to the orders of the Executive of Virginia; then the above obligation to be null and void, otherwise to remain in full force and virtue.

Witness our hands and seals this day of 182 .

Teste, (SEAL.)
(SEAL.)

The sum in the above bond will be equal to the value of the arms and accoutrements intended to be issued.

PAY, SUBSISTENCE, AND FORAGE, IN 1815.

RANK OR GRADE.	Pay per month.	Forage by number of horses.	Subsistence or rations per day.	REMARKS.
Major general,	$ 200	7	15.	
Secretary to the general commanding the army United States,	24	2		In add. to comp. in line.
Aid-de-camp to a major general,	24	2	4	Do. do. do.
Brigadier general,	104	5	12	
Aid-de-camp to a brigadier general,	20	2		Do. do. do.
Brigade major,	24	2		Do. do. do.
Brigade chaplain,	50	2	4	
Judge advocate,	50	2	4	
Adjutant and inspector general,	104	5	12	
Adjutant general,	90	5	6	
Assistant do. do.	60	4	4	
Inspector general,	75	4	6	
Assistant do. do.	60	4	4	
Quarter master general,	75	4	6	
Deputy do. do. do.	60	4	4	
Assistant dep. do. do.	40		3	
Topographical engineer,	60	4	4	
Assistant do. do.	40		3	
Paymaster of army,	2000			Per year from 1 Jan. 1814.
Deputy paymaster general,	50			In add. to comp. in line.
Assistant do. do. do.	30			Do. do. do.
Distriet paymaster,	50	3	4	To be taken from priv. life.
Assistant paymaster,	40	1	3	Do. do. do.
Regimental paymaster,*	10	2		In add. to comp. in line.
Do. adjutant,	10	2		Do. do. do.
Principal waggon master,	40	1	3	
Waggon master,	30	1	2	
Principal forage master,	40	2	3	
Assistant do. do.	30	1	2	
Conductor of artillery,	30		2	
Principal barrack master,	40	2	3	
Deputy barrack master,	30	1	2	
Superintendent of artificers,	45	1	3	
Assistant do.	30		2	
Master artificers,	30	Rations in kind only.		1 1-2 rations per day each.
Artificers of the corps of that name,	16			
Special commissary of purchases,	60	4	4	

*Paymasters of the corps of artillery, same pay as regimental paymasters.

RANK OR GRADE.	Pay per month.	Forage by number of horses.	Subsistence or rations per day.	REMARKS.
Commissary general of ordnance,	$ 75		6	
Assistant do. do.	50		7	
Deputy commissary of ordnance,	40	1	5	
Assistant do. do.	30		2	
Wheelwrights, carriage makers, and blacksmiths,	16	Rations rec'ble in kind only		Of the ordnance department.
Laborers,	9			
Commissary general,				3,000 dollars per annum.
Superintendent,				3,000 do. do.
Physician and surgeon general,		2	2	2,500 do. do.
Apothecary general,				1,800 do. do.
Hospital surgeon,	75	2	6	
Hospital surgeon's mate,	40	2	2	
Hospital stewards,	20		2	
Ward masters,	16		2	
Surgeons,	60	2	3	
Surgeon's mates,	45	2	2	
Professor of natural and experimental philosophy,	60	3	5	
Assistant do. do.	40		3	
Professor of mathematics,	50	3	4	Of the corps of engineers only.
Assistant do. do.	40		3	
Professor of the art of engineering,	50	3	4	
Assistant do. do.	40		3	
Teacher of the French language,	40		3	
Teacher of drawing,	40		3	
Cadet,	16		2	
Colonel, (except of cavalry,)	75	4	6	
Lieut. colonel, do. do.	60	3	5	
Major, (except cavalry,)	50	3	4	
Captain, (except cavalry,)	40		3	And forage for the light artillery, when mounted, the same as for light dragoons.
First lieutenant do. do.	30		3	
Second lieutenant, do. do.	25		3	
Third lieutenant, do. do.	23		3	
Ensign,	20		3	
Serjeant major,	12	Annual suits of clothing and rations receivable in kind only.		Pay during the continuance of the present war.
Quarter master serjeant,	12			
Serjeant,	11			
Principal musician,	11			
Corporal,	10			
Musician,	9			
Private, driver, bombadier, matross, sapper and miner,	8			
Artificer, saddler, farrier and blacksmith, not attached to the quarter master general's and ordnance department,	13			

RANK OR GRADE.	Pay per month.	Forage by number of horses.	Subsistence or rations per day.	REMARKS.
Colonel of cavalry,	$ 90	5	6	Provided they furnish their own horses and accoutrements, and actually keep in service the aforesaid number of horses, to entitle them to their forage, or an equivalent in money, at eight dollars per horse.
Lieut. colonel do.	75	4	5	
Major do.	60	4	4	
Captain do.	50	3	3	
First lieut. do.	33 33⅓	2	3	
Second lieut. do.	33 33⅓	2	3	
Third lieut. do.	30	2	3	
Cornet do.	26 66⅔	2	3	
Riding master do.	26 66⅔	2	2	
Mast. of sword do.	26 66⅔	2	2	
Lieut. colonel of artillery,	75	3	5	
Major do.	60	3	4	
Captain do.	50		3	
First lieutenant do.	33 33⅓		2	
Second lieutenant do.	33 33⅓		2	
Third lieutenant do.	30		2	
Colonel light artillery,	90	5	6	
Lieut colonel do.	75	4	5	
Major do.	60	4	4	
Captain do.	50	3	3	
First lieutenant do.	33 33⅓	2	2	
Second lieut. do	33 33⅓	2	2	
Third lieutenant do.	30	2	2	
Non-commissioned officers and privates of the companies of rangers	One dollar per day each; 75 cents per day without horses.			To furnish their own rations, arms, equipments and horses.

Women (in the proportion of one to every seventeen men,) a ration in kind, also to matrons and nurses allowed in hospitals.

NOTE.—Though *forage* may be allowed for the number of horses noted, yet *money in lieu thereof* cannot. A distinction should therefore be drawn, say *forage money* for one horse only, to all those *of the staff*, who have not been entitled, heretofore, to more than ten dollars per month. The brigade major, aid to a brigadier, and adjutant, are expressly limited to that. The allowance of forage in kind, hay, oats and corn, may be made to as many horses in actual service as the War Department directs.

RESOLUTION

For causing certain additions to the publication of the Militia Laws.

Agreed to by both Houses, February 16, 1820.

Resolved, That the Executive be authorised and required to add to the publication directed by the 124th section of the militia law, the militia laws of the United States which may be in force at the close of the present session of congress; the rules, regulations and allowances for the government of the staff of the United States' army; a synopsis of the organization of the militia into divisions, brigades and regiments; a full description of the uniform required to be worn by the different corps of the militia; and also, such forms, as, in their opinion, may be useful and proper to be added to the said publication.

ADJUTANT GENERAL'S OFFICE,

RICHMOND, JUNE, 1820.

GENERAL ORDERS.

The Executive will not issue commissions to officers of Volunteer Companies, except upon certificates of their election by the company. When a vacancy occurs in a Volunteer Company, its members will be summoned for the purpose of electing a suitable person to fill it. The election of a *captain* must be certified by some field officer of the regiment; and that of a *subaltern*, by the captain. The certificate will state that the company was duly convened; and give the number of votes obtained by each candidate.

Whenever a Volunteer Company falls below the *minimum* fixed by law, it will be the duty of the colonel to issue a regimental order declaring it to be dissolved, and requiring the

captains of infantry of the line to enroll the members in their respective companies agreeably to law. The dissolution of a company will be immediately reported to this office, by the colonel.

Whenever a company of infantry of the line, exceeds the *maximum*, or falls below the *minimum*, established by law, it will be the duty of the colonel to assemble a board of officers in pursuance of the 21st section of the militia law, for the purpose of re-organising the company districts in the battalion.

The clerks of county courts are requested to mention in every certificate of recommendation, the name and rank of the officer whose vacancy is intended to be filled, that the proper entry may be made in the register of the officers of the commonwealth.

For the information of general officers, the commanding officers of regiments are required to endorse on their returns the names of all commissioned and staff officers in their regiments, and the dates of their commissions and appointments.

Brigade inspectors will, in no instance, fail to endorse on their returns, the names and address of the general staff, and the names of the commandants of Volunteer Companies; distinguishing the regiments of the line to which they may be attached; they will also return the arms of each regiment in a separate line, so that the number in any one regiment may be seen, by referring to the return.

Regimental returns will include the field and staff officers of artillery and cavalry who reside within the limits of the regiment.

The Lieutenant Colonel and Major of each regiment are permitted to take command of the battalions, according to their own convenience; but the Lieutenant Colonel, if he desires it, is *entitled* to the command of the 1st battalion.

All communications whatever, on the subject of the militia, will be addressed to the adjutant general. Those from general officers will be franked, provided the following endorsation be made on them, and *signed* by the officer sending them, viz. "*on public service*—relating *to the militia.*"

By order of the Executive,

CLAIBORNE W. GOOCH,
Adjutant General.

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